

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25789 of 2020

Arising Out of PS. Case No.-476 Year-2019 Thana- RUNISAIDPUR District- Sitamarhi

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GOPAL KUMAR Son of Fekan Das Resident of Village - Bahilwara
Dhanushi, P.S.- Runnisaidpur, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dinesh Jha, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 02-12-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with
Runnisaidpur P.S. Case No. 476 of 2019, registered under
Sections 363 and 366(A)/34 of the Indian Penal Code.

The accusation is that on 28.09.2019, Shivani
Kumari, co-villager of victim/informant came at her house
and accompanied her saying that she will return very soon.
Thereafter, victim/informant proceeded with her co-villager
Shivani Kumari. In the way, Shivani Kumari left
victim/informant near Gopal Kumar (Petitioner) and Pankaj
Kumar saying that she will return very soon. Thereafter,
petitioner forcibly took her at Delhi and committed rape
giving threatening and creating fear. The petitioner also got



managed to take her photographs. Thereafter, the petitioner took her at house and asked not to disclose the incident to anyone.

Learned counsel appearing for the petitioner submits that petitioner and victim/informant are co-villagers and due to dirty village politics, the petitioner and his brother has falsely been implicated in this case. In medical examination, the age of victim has been assessed as 18 years and no any opinion was expressed by the Doctor regarding committing rape upon the informant. Moreover, it would appear from the F.I.R. and case diary that occurrence took place on 28.09.2019 and victim returned at her house on 01.10.2019, as detailed by Rita Devi, mother of victim/informant, but the present case has been lodged on 14.11.2019 with lame excuse that people had arranged Panchayati regarding the matter. The petitioner is in custody since 05.03.2020.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. Sitamarhi in connection



with Runnisaidpur P.S. Case No. 476 of 2019.

(Rajendra Kumar Mishra, J)

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