

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No. 18563 of 2021**

Arising Out of PS. Case No.-69 Year-2020 Thana- JANKINAGAR District- Purnia

=====

Amarjeet Kumar Sharma, Son of Ghanshayam Sharma, R/O Village-
Chandpur Bhangha Raivir Tola Ward No.8, P.S.- Janki Nagar, District-
Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 01-10-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.

Anand Kishore Choudhary, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Janki Nagar P.S. Case No. 69 of 2020

registered for the offence punishable under Section 376 of the

Indian Penal Code. He is in custody since 12.11.2020. Petitioner

has otherwise no criminal antecedent.

As per the prosecution story, the informant is a co-

villager and Bhabhi of the petitioner. It is alleged that on

14.05.2020 at about 5.00 A.M. when her husband had gone for



his routine discharge and the informant was sleeping with her four children, all of a sudden the petitioner entered into her house, slashed her with fists and legs and forcibly committed rape by laying on the ground whereupon the informant raised hulla and her husband came on hearing the hulla, at this stage the petitioner fled away. The matter was reported to the villagers including the Mukhiya and the Sarpanch but the matter could not be resolved.

Learned counsel for the petitioner submits that the alleged occurrence of 14.05.2020 has been reported on 18.05.2020 without explaining the delay. The Mukhiya and the Sarpanch have not been examined by the I.O. in course of investigation and that shows that the reason for delay as disclosed in the F.I.R. has not been substantiated.

Learned counsel further submits that the informant is mother of four children and it seems highly improbable that during the morning hour at 5.00 A.M. for a short while when her husband had gone for routine discharge this petitioner would enter into the house and would alone forcibly command the victim and commit rape on her that too where her four children were sleeping with her in the house.

It is submitted that the allegations are false,



concocted and baseless and the allegations have been made because few days back the parties had a quarrel over some furniture tools issues.

Mr. Anand Kishore Choudhary, learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner and submits that there are allegations against the petitioner that he committed rape but at the same time informs this Court that in paragraph '64' and '65' the independent witnesses have said about a rumour of a love affair between the petitioner and the informant and that the medical examination report does not reveal any sign of any injury and that there is no sign of recent sexual act.

Considering the facts and circumstances of the case, in the nature of dispute as claimed by way of submission on behalf of the petitioner, the submission with regard to improbabilities to the occurrence, the material with regard to the love affair between the parties and that the petitioner has remained in jail in connection with this case since 12.11.2020, investigation against him is complete but the trial is not likely to be concluded in near future, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties



of the like amount each to the satisfaction of Sri Divya Prakash, learned Judicial Magistrate 1st Class, Purnea in connection with Janki Nagar P.S. Case No. 69 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that after release on bail, the petitioner shall not come in contact with the informant/victim and her family during trial and violation of this condition shall invite action towards cancellation of bail.

(Rajeev Ranjan Prasad, J)

vats/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

