

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28310 of 2020

Arising Out of PS. Case No.-302 Year-2019 Thana- SHAHKUND District- Bhagalpur

NIRAJ KUMAR SINGH Son of Ram Prasad Singh Resident of Village -
Bhandarwan, Police Station - Sajour (Shahkund), District - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 12-01-2021 This matter is taken up for consideration through
Video Conferencing under the orders of Hon'ble the Chief
Justice.

Heard both parties.

The petitioner seeks bail in Shahkund (Sajour) P.S.
Case No. 302 of 2019, registered for the offence punishable
under Sections 448, 376 and 506 of the Indian Penal Code.

As per the FIR, on 29.11.2019 at 11.30 pm, while the
victim was sleeping in her house on verandah, this petitioner
entered into her house and committed rape upon her and fled
away. It is further alleged that panchayati was convened
between the parties, but the same failed.

It is submitted on behalf of the petitioner that
petitioner has falsely been implicated in this case. The



occurrence took place on 29.11.2019, but the FIR was lodged after eight days i.e. on 06.12.2019. Petitioner is next door neighbour. It is further submitted that no external or internal injury has been found on the person of victim and there is no sign of rape. Informant is major and aged about 29 years old. There is apparent inconsistency between the story as spelt out in the FIR and the statement of victim under Section 164 Cr.P.C. In fact, the husband of informant has taken loan of Rs. 37,000/- from the father of petitioner about a year ago and on repeated requests the same was not paid. Panchayati as alleged in the FIR was held for return of amount. Petitioner is in custody since 17.02.2020 having clean antecedent, as stated in para 3 of the petition.

Counsel for the State vehemently opposed the prayer for bail and submitted that victim in her statement under Section 164 Cr.P.C has supported the prosecution version.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Bhagalpur in connection with Shahkund (Sajour) P.S. Case No. 302 of 2019, subject to



following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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