

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50050 of 2021

Arising Out of PS. Case No.-105 Year-2020 Thana- KAHALGAON District- Bhagalpur

Shiv Kumar Son of Fulo Mandal Resident of Village - Gangalday, P.S. -
Kahalgaon, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey
For the Opposite Party/s : Mrs. Asha Kumari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 25-11-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Kahalgaon (Ghogha) P.S.
Case No. 105 of 2020, registered for the offence under Section
376(D) of the Indian Penal Code.

As per the prosecution case, on 08.02.2020 at about
8:00 PM, while the informant was standing at the gate of her
house, this petitioner alongwith other three co-accused persons
came on motorcycle and tied her mouth by Gamchha and she
was taken at a brick-klin, where all of them did wrong with her.

It is submitted on behalf of petitioner that petitioner
has been falsely implicated in this case and no such occurrence,
as alleged in the F.I.R., has taken place. In fact, the victim in her
statement recorded under Section 164 Cr.P.C. has clearly stated
that co-accused Inod Mandal has committed rape with her. The



only fact, which has come against this petitioner, is that he was also seen there alongwith one unknown. Co-accused Inod Mandal has already been granted bail by this Court, vide order dated 17.04.2021 passed in Cr.Misc. No. 7007 of 2021 and co-accused Dilip Kumar has been granted bail by the J.J.Board, Bhagalpur. It is further submitted that no external or internal injury or sign of rape has been found by the doctor. Petitioner has got clean antecedent and he is in custody since 31.03.2021.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon (Ghogha) P.S. Case No. 105 of 2020.

(Prabhat Kumar Singh, J.)

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