

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 448 of 2021**

Arising Out of PS. Case No.-47 Year-2020 Thana- BARIYARPUR District- Munger

RAJA KUMAR Son of Shankar Paswan Resident of Village- Bariyarpur,
Basti, P.S.- Bariyarpur, Distt- Munger

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Ram Sevak Choudhary, Advocate

For the Opposite Party/s : Mr Raj Ballabh Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 13-04-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Bariyarpur Police Station
(for brevity, *PS*) Case No 47 of 2020 instituted for the offence
punishable under Section 376 of Indian Penal Code.

Allegation against the petitioner is that at 2 am in the
night, he called the informant/victim (married lady) near the
Railway Line on the pretext of deleting certain intimate video
clips of the informant and the petitioner which were in his
mobile phone. She has alleged that on arriving at the Railway
Line, she has again been raped by showing a knife and was also
threatened to kill.



Petitioner's counsel submits that it is a case of false implication. From the First Information Report (for brevity, *FIR*) itself, the prosecution case becomes doubtful that earlier there were intimate relations and presently, at the time of institution of FIR, she has been raped. The falsity has surfaced at the trial where the victim, her mother-in-law and father-in-law have all been declared hostile.

Learned counsel for the petitioner has forwarded copies of the depositions of the victim lady, her mother-in-law and father-in-law through Electronic Mode to the Court.

From perusal of the same, it appears that she has denied knowledge of the case and has clearly denied the allegations which have been allegedly made by her. She has stated at the Court that on a trivial dispute regarding the grazing of goat in the field, she has gone to the PS for lodging the FIR wherein her signature was obtained. She does not know the contents of the case lodged by her against the petitioner. It is further submitted that the petitioner bears a clean past and he has now been in custody since 30.05.2020.

Learned APP has opposed the prayer for bail. He, however, is not in a position to deny or dispute the submissions of the petitioner's counsel based on the copies of depositions.



In view of the aforesaid circumstances, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I, Munger in Sessions Trial No 105 of 2020 arising out of Bariyarpur PS Case No 47 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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