

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8192 of 2022

Arising Out of PS. Case No.-28 Year-2021 Thana- MAHILA P.S District- West Champaran

SK. RAHAMTULLAH Son of Late Sk. Banhu Resident of village- Pipara,
Ward No. 13, Police Station - Gaunaha, District - West champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Kishun Prasad

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bettiah Mahila P.S. Case No. 28 of 2021 registered for the alleged offences under Sections 498-A, 341, 342, 376, 323, 307, 506 and 34 of the Indian Penal Code.

The prosecution case is that the petitioner who is father-in-law of the informant committed rape with her in absence of her husband and the other co-accused persons, who are her in-laws, assaulted her, her father and sister as well.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The prosecution story is not believable as other family members of her matrimonial home were also present there when the occurrence allegedly took place. The instant case has been lodged at the instance of husband of informant for taking share in the land of his father, the petitioner herein. The petitioner is old man aged about 68 years. The matter has been compromised and the informant has stated in the compromise petition that she filed the case as some scuffle took place between the two sides which turned ugly. The informant was not examined medically and there is no medical report on record. Charge sheet has been submitted in this case and the petitioner is in custody since 25.10.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that there is specific allegation of rape against the petitioner.

Perused the records.

Having regard to the submission made hereinabove and considering the improbability of commission of the offence as alleged and further considering the fact that the charge sheet has been submitted in this case and taking into account the period of custody of the petitioner, the petitioner above named is



directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Bettiah Mahila P.S. Case No. 28 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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