

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13644 of 2022**

Arising Out of PS. Case No.-43 Year-2021 Thana- MAHILA PS District- Gaya

Govind Anand Son of Kanahaiya Das Resident of Village - Kalen, P.O.- Civil
Aerodrome, P.s.- Magadh- Medical, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Murli Dhar, APP
For the Informant	:	Mr. Kamal Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 02-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Mahila
P.S. Case No. 43 of 2021 registered for the offence under
Sections 376, 493, 504, 506 509 and 34 of the Indian Penal
Code and Section 3/4 of the Dowry Prohibition Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.12.2021.

The allegation against the petitioner is to commit rape
upon the informant, who is a police constable, and denied to



marry thereafter, due to non-fulfillment of demand of dowry of Rs.10 Lakh and a four wheeler vehicle.

Learned counsel appearing on behalf of the petitioner submitted that the present F.I.R. was lodged after a delay of three years of the alleged occurrence, when marriage negotiations failed between the parties, for certain reasons. It is submitted that petitioner is a Class IV employee of Indian Railways and only to pressurize him for marriage, present false case has been lodged. It is submitted that the contents of the written complaint of the informant/victim is appearing very much contradictory *qua* statement of informant/victim recorded under Section 164 of the Cr.P.C. It is further submitted that even the formal F.I.R. is not suggesting that occurrence took place in the year 2018, because, same is suggesting about commencing date of offence as 27.07.2021. It is also submitted that petitioner is ready to marry with the informant. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, fairly conceded



that formal F.I.R. is not disclosing that alleged occurrence of rape was committed, even, in the year 2018, as alleged. It is submitted by learned counsel for the informant that informant is also ready to marry with the petitioner.

In view of the facts and circumstances, as mentioned above, by taking note of contradictory statement of victim, as recorded in her written complaint *qua* statement recorded under Section 164 of the Cr.P.C., negating any dowry demand, coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Mahila P.S. Case No. 43 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gaya/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by



the documents.

(ii) That one of the bailors shall be
Rajesh Kumar, who is the brother-in-law of
the petitioner and deponent of the present
bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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