

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26814 of 2021

Arising Out of PS. Case No.-101 Year-2020 Thana- MUSRIGHRARI District- Samastipur

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Vinod Ram @ Vinod Kumar Ram son of Bhola Ram Resident of village-
Morwa Dih, P.S- Musrigharari, Distt- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Bijay Bhushan Prasad, Advocate
For the Opposite Party/s :	None
For the Informant :	Mr. Sushil Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

6 20-01-2022 The applicant/accused in Crime No. 101 of 2020 registered with Musrigharari Police Station for the offences punishable under Sections 323/341/376/504 of the Indian Penal Code, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He drew my attention to the statement of villagers including Bulan Ram and contended that the case even if accepted as it is, is a case of consensual sex between two adult person and there is no question of rape. It is further argued that though the incident is alleged to have taken place on 08.08.2020, the complaint was lodged on 26.08.2020 and the complaint itself contends a recital that there was a



Panchayat in the village on account of the said incident.

None appeared for the State.

Learned counsel for the first informant argued that there is specific allegation against the present applicant. It is further argued that the victim of the crime in question is not permitted to reside in the village and therefore she has filed a criminal writ petition in the High Court. It is further argued that the witnesses are supporting the prosecution case.

I have considered the submissions so advanced and also perused the materials placed before me including a copy of the complaint and the case-diary.

According to the prosecution case, when the prosecutrix, who happens to be a married lady, aged about 27 years, had gone out of the house for easing at about 9:00 PM on 08.08.2020, the applicant committed rape on her. When the complainant/prosecutrix was late in returning the house her matrimonial relatives came in search of her and upon seeing them, the applicant/accused ran away. According to the prosecution case, then a meeting of the Panchayat was convened on 11.08.2020 in which both the parties attended. However, in that meeting, the complainant/prosecutrix and her relatives were assaulted. The prosecutrix lodged complaint of



the incident dated 08.08.2020 on or about 26.08.2020. On the basis of the order passed under Section 156(3) of the Cr.P.C., the FIR came to be registered.

During the course of investigation, statement of some villagers including Bulam Ram and Tilkeshwar Ram came to be recorded. Their statement prima facie indicates that there was consensual relationship between the prosecutrix and the applicant who were neighbours.

These witnesses have stated that matrimonial relatives of the prosecutrix were taking the prosecutrix to their house from the field in the night hours and they were assaulting the prosecutrix. The witnesses have stated that the prosecutrix had stated that she was called by the applicant and she had left the house on the pretext of going for easing. It is further stated by the witnesses that the prosecutrix was speaking on mobile phone with the applicant and on one occasion her father-in-law had caught her. It is further stated that even in the Panchayat, the prosecutrix had stated that on a call from the applicant she left the house on the pretext of going for easing.

Investigation of the crime in question is over. The applicant is undergoing pretrial detention.



Considering the nature of the evidence against the applicant/accused, his further pretrial detention is not warranted and therefore, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No.101 of 2020 registered with Musrigharari Police Station be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the



instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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