

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23757 of 2022

Arising Out of PS. Case No.-390 Year-2021 Thana- NARPATGANJ District- Araria

Roshan Kumar S/o Rameshwar Pandit R/o village- Bathnaha, P.S.- Puraini,
District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.D. Sanjay, Sr. Adv.
	:	Mr. Praveen Kumar Agrawal, Adv.
For the Opposite Party/s	:	Mr. Uma Shankar Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 13-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Narpatganj P.S. Case No. 390 of 2021 lodged under Sections
420, 354 (C), 354(B) (II), 376, 384, 506, 509, 120(B) of I.P.C.
read with Sections 67(A), 67 of I.T. Act.

As per the prosecution, the allegation of outrage
modesty, rape, fraud and violation of Information Technology
Act has been made in the F.I.R. against the present petitioner.
He is the sole accused.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. He further submits that there is a sharp contradiction in the statements made in different paragraphs of the F.I.R.. He further submits that the actual cause for filing this case is that the informant side had taken loan from the accused side and with a view to grab the money, the present case has been filed. He further submits that petitioner is in custody 31.10.2021, his antecedent is clean and charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail and submits that the story of loan is absolutely unacceptable due to the reason that there is no whisper in the investigation about the said matter. He further submits that the statement of F.I.R. has been supported by the victim in the statement of 164 of Cr.P.C. He admits that the mode stated in F.I.R. and in statement under Section 164 of Cr.P.C. is different but aim and the result of the F.I.R. and statement recorded under Section 164 Cr.P.C. is the same.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner at present but Trial/ Lower Court is directed to release the petitioner on bail after 3 months of framing of charge on its own condition, so that trial/ lower court shall secure his

presence on each and every date during trial.

(Dr. Anshuman, J.)

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