

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.21938 of 2022**

Arising Out of PS. Case No.-370 Year-2018 Thana- KATIHAR NAGAR District- Katihar

Ram Dular Tudu @ Ram Dular Tuddu @ Ram Dular Tudd S/O Kudhaya  
Tuddu @ Dukhiya Tuddu @ Dukhaya Tudu Resident Of Village- Hisa Tola,  
Brindawan, P.S.- Manihari, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar Mandal, Advocate

For the Informant Md. Musabbir, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR  
ORAL ORDER**

3      18-10-2022                      Let the defects, if any, be removed within four weeks  
from today.

Heard Mr. Sanjay Kumar Mandal, learned counsel for  
the petitioner as well as learned Additional Public Prosecutor for  
the State.

Petitioner seeks bail in a case registered in connection  
with Katihar (Town) P.S. Case No. 370 of 2018 for the offences  
punishable under Section 376 of the Indian Penal Code and  
section 4 of the Dowry Prohibition Act.

The prosecution case is based on a complaint case,  
which was later on sent to the concerned Police station and  
accordingly, Katihar Town P.S. Case No 370 of 2018 was  
registered with an allegation that the petitioner in course of time



developed an intimacy with the informant by speaking Santhali language and on 03.11.2017, while she was returning to her college the petitioner offered her a cup of tea and thereafter she became unconscious. Later on she was taken to a room and she was subjected to commission of rape by the petitioner. It is also alleged that some objectionable photographs has also been taken and when the informant protested, the petitioner assured that he would solemnize marriage and on the pretext of marriage, he established physical relation for months and more.

Learned counsel for the petitioner submits that prima facie from the allegation made in the complaint case, it is evident that both the parties were consenting party and only when the marriage could not be settled this case has been instituted in order to pressurize the petitioner. He further submits that though there is allegation of having taken objectionable photographs by the petitioner but this fact has not been supported even in the statement of the victim recorded under section 164 of the Cr.P.C nor even during the course of investigation such photographs has been found and as such the allegation of rape falls to the ground. He next submits that the victim had never been medically examined that she was subjected to rape or any assault has been made by the petitioner.



It is also submitted that from the FIR, it is evident that she remained with the petitioner for several months but at no point of time, she has ever made any complaint to anyone with regard to the wrongful act of the petitioner. Apart from aforesaid submissions, he lastly submits that petitioner is a man of fair antecedent is in custody since 08.12.2021 and moreover, the charges have been framed.

On the other hand, learned counsel for the informant as well as the State opposed the bail application and drawn the attention of this Court towards the statement of victim recorded under section 164 of the Cr.P.C wherein she has supported the prosecution case that she was subjected to commission of rape on the pretext of marriage. It is also submitted that the victim has categorically stated that while she was returning from her college, she was administered some intoxicated substance due to which she became unconscious and thereafter, this petitioner has committed rape upon her.

Regard being had to the submissions made on behalf of the parties and considering the nature of accusation and the statement of victim recorded under section 164 of the Cr.P.C, this court is not persuaded to enlarge the petitioner on bail and hence, his prayer for bail stands rejected for the present.



It is expected that the learned trial court would take all necessary endeavors to expedite and conclude the trial as early as possible. However, if there would not be any substantive progress in the trial, the petitioner will be at liberty to renew his prayer for bail after six months.

**(Harish Kumar, J)**

N.K/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

