

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22371 of 2022

Arising Out of PS. Case No.-224 Year-2020 Thana- DIGHWARA District- Saran

Chulbul Rai @ Chulbul Kumar Son of Shri Mandeep Rai Resident of Village-
Nawal Tola, P.S.- Dighwara, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilesh Kumar, Adv.

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr. Gautam, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 01-09-2022 Let the defect, 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
Dighwara P.S. Case No. 224 of 2020 lodged under Sections
376(D)/34 of the Indian Penal Code.

As per the prosecution which was alleged by the
written report that informant was sleeping alone in her house,
then all of a sudden the petitioner alongwith other named accused
entered in her house after torning *Tati* and committed rape with
her, they also threatened not to raise *Hulla* and not to call police
otherwise she will be killed.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that the informant and petitioner are resident of same village. He

further submits that the present dispute has arisen due to the reason that a quarrel used to take place on the point of theft of mobile and due to this reason a Complaint Case No. 1581 of 2020 was instituted by the brother of petitioner against the informant and her family members (Annexure No.3). He further submits that the present case is false one and in continuity to prove her falseness, statements under Sections 161 and 164 Cr.P.C. were also recorded against the petitioner. Learned counsel for the petitioner also submits that he has annexed medical report and its typed copy in the petition in which Doctor has opined that there is no any evidence of recent sexual intercourse. He further submits that petitioner is in custody since 02.12.2021, chargesheet has already been filed in this case and petitioner has got clean antecedent.

Learned counsel for the State opposes the prayer for bail. Upon going through the case diary, he has submitted that the statement recorded under Section 161 and 164 Cr.P.C. are in support of F.I.R. but on specific query that whether police has found any torned *Tanti* about which he mentioned that there is no such finding in the case diary.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Rupees

Fifty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-9(IX), Chapra (Saran) in connection with Dighwara P.S. Case No. 224 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

ritik/-

U		T	
---	--	---	--