

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27651 of 2022**

Arising Out of PS. Case No.-535 Year-2021 Thana- KUDHNI District- Muzaffarpur

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AJEET KUMAR Son of Dilip Singh Resident of Village - Dharmuha, P.S.-  
Kudhani (Turki O.P.), District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                          |   |                                   |
|--------------------------|---|-----------------------------------|
| For the Petitioner/s     | : | Mr. Hari Kishore Thakur, Advocate |
| For the Opposite Party/s | : | Mr. Bishweshwar Ram, APP          |
| For the Informant/s      | : | Mr. Masoom Alam, Advocate         |

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      06-12-2022                      Heard learned counsel for the petitioner, learned  
counsel for the informant and learned Additional Public  
Prosecutor for the State.

Let the defects, as pointed out by the office, be  
removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case  
registered for the offences punishable under Sections 363, 420,  
376, 504, 506 and 34 of the Indian Penal Code.

According to prosecution case, in brief is that one  
Hema Devi W/o- Bipin Sahani of village- Dharmuha, P.S.-  
Kudhani, District- Muzaffarpur on 23.07.2021 submitted a  
written report before the officer-in-charge of Turki O.P.  
(Kudhani) stating therein that on 07.07.2021 Sandeep Singh



enticed her and called her and taken away to Muzaffarpur where Raj Kumar committed rape on her. Vishkarma Kumar and Mithilesh Singh had also come at her house and committed rape with her. Rakesh Singh used to inform to Raj Kumar about her and Ajit Kumar also committed rape on her and one Rahul Kumar had also committed rape with her. They were threatening not to disclose any one otherwise she and her family member will be killed. They concealed her from her family and they assaulted also and they were planning to sale also.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that allegation against the petitioner in the F.I.R but later on victim was recovered and her statement was recorded under Section 164 of Cr.P.C., in which she has categorically stated that the other co-accused person has committed rape upon her and she has not taken the name of the petitioner. He further submits that in fact the informant was in love with the co-accused namely, Raj Kumar and she fled away along with co-accused person on her own will. He further submits that petitioner has no concern at all with the alleged occurrence.

Learned counsel for the informant and learned APP for



the State have vehemently opposed the prayer for bail of the petitioner and learned counsel for the informant submits that petitioner is named in the F.I.R. and allegation against the petitioner is that he has committed rape upon the informant. Learned APP for the State, on the other hand, submits that on the basis of the material available on record in the case diary and fairly submits that during investigation no cogent material has come against the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Kudhani (Turki O.P.) P.S. Case No. 535 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail



bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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