

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28715 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- ARWAL MAHILA District- Jehanabad

Chhotu @ Rajendra Kumar Son of Ram Briksh Yadav Resident of Village -
Devdat Bigha, P.s.- Kurtha, Distt.- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 15-11-2022 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
Arwal Mahila P.S. Case No. 01 of 2022 lodged under Section
376 of the I.P.C.

As per the prosecution case, the informant has
disclosed that his wife visited to take water from hand-pump.
Upon receiving information from his mother, the informant
reached and started searching his wife but no information
received. Subsequently, he lodged the information before local
sarpanch on 07.01.2022 at about 2.50 pm. The informant saw
that the petitioner left petitioner's wife at south of his land.

When informant reached there, he found that his wife was lying in the field in unconscious condition and when she regained her conscious then she narrated that the accused petitioner raped her.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 10.01.2022 having clean antecedent. He also submits that under a deep rooted conspiracy, the present case has been lodged against the petitioner. Learned counsel submits that content of the F.I.R., it transpires that as informant's wife became traceless on 03.01.2022 but neither information in this regard was communicated anywhere nor any *sanha* was filed by the informant about missing his wife.

Learned counsel for the petitioner further submits that in her statement under Section 164 of Cr.P.C., she supported her version made in the F.I.R. but the medical report of the Medical Body absolutely denied the story of any sexual contact and F.I.R. was lodged on 07.01.2022 and medical was made on 08.01.2022. Learned counsel submits that due to dirty village politics, petitioner's name has been given by the informant and the husband in this case. He also submits that petitioner is in

custody for about 10 months having clean antecedent.

Learned counsel for the State opposes the prayer for bail.

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.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District & Sessions Judge-I, Jehanabad in connection with Arwal Mahila P.S. Case No. 01 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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