

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28857 of 2022

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

Rakesh Singh @ Rakesh Kumar, Son of Nand Kishor Singh, Resident of Village- Dharmuha, P.s.- Kudhani, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Anuj Kumar, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Kudhani (Turki O.P.) P.S. Case No. 535 of 2021 registered for the offences punishable under Sections 363, 420, 376, 504/34 of the Indian Penal Code.

As per prosecution case, it is alleged that on 07.07.2021, at about 11:30 PM, the informant was called by co-accused Sandeep Singh and thereafter, she was taken to Muzffarpur town, where co-accused Raj Kumar committed wrongful act with her. She further alleged that earlier co-



accused Virshkarma Kumar along with Mithilesh Singh also did the wrong act while she was in her house. She further alleged that this petitioner used to inform the co-accused Raj Kumar regarding her activities.

Learned counsel appearing on behalf of the petitioner submits that from the F.I.R., it would be evident that the informant is aged about 22 years, a married lady, and the story appears to be absurd that she was called by co-accused Sandeep Singh and thereafter she went along with him to Muzaffarpur without any resistance and thereafter co-accused Raj Kumar committed wrongful act with her. He next submits that though the allegation against the petitioner is leveled that he used to give information with regard to her, but it has not been mentioned as to what information he used to pass. He also submits that the specific allegation has been leveled against other co-accused persons and so far the present petitioner is concerned, there is only allegation with regard to passing of the information that too without making any specific averments, as to what kind of information he used to pass. He next submits that during the course of investigation, the statement of the victim was recorded under Section 164 of the Cr.P.C., wherein some exaggeration has been made and save and except the



aforesaid material, there is no other allegation of committing wrongful act with the informant and, moreover, the petitioner having fair antecedent, is in custody since 25.01.2022 and he is ready to give undertaking that he will fully co-operate in the investigation and the trial.

On the other hand, learned APP for the State opposes the bail application and submits that the informant has specifically taken the name of the petitioner as an active participant in the crime.

Regard being had to the nature of allegation and the conduct of the informant that with regard to an occurrence, which took place on 07.07.2021, the F.I.R. has been instituted on 23.07.2021 and prior to that she had never made any complaint, apart from the fair antecedent of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate 1st (West), Muzaffarpur in connection with Kudhani (Turki O.P.) P.S. Case No. 535 of 2021 subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the



trial.

(ii) He will remain physically present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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