

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45832 of 2021**

Arising Out of PS. Case No.-28 Year-2021 Thana- MAHILA P.S. District- Siwan

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PRAVIN KUMAR SAH @ PARBIN KUMAR SAH @ KACHHUI S/o
KISHOR SAH R/o VILLAGE-ILAMDIPUR, P.S.-G.B. NAGAR
(TARWARA), DISTRICT-SIWAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Rajiv Nayan, APP

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 03-03-2022

Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 376 of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that while she was sleeping, the petitioner committed rape on her.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The petitioner and the informant happen to be agnates. Referring to the medical report, it is submitted by learned counsel for the petitioner that neither any injury nor any evidence of rape was found upon the victim. Learned counsel for the petitioner has



taken the Court through the statement of the witnesses including the family members recorded in course of investigation to submit that the same does not inspire confidence. It is submitted that although the informant names the petitioner in the F.I.R. which was registered on 6.6.2021 but for reasons best known to her does not disclose the relationship of their being agnates and further in her statement under section 164 Cr.P.C. on the very next date, she does not take the name of the petitioner. Before the Magistrate, she states that it is her daughter-in-law who will tell the name of the accused and thereafter daughter-in-law of the informant takes the name of this petitioner. The petitioner is in custody since 7.6.2021. Investigation in the case has concluded and he has no criminal antecedent.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the material that has transpired in course of investigation, the submissions made on behalf of the petitioner together with the petitioner not having any criminal antecedent, the Court directs the petitioner to be enlarged on bail in connection with Siwan Mahila P.S. Case no.28 of 2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of the learned Sub Divisional Judicial
Magistrate, Siwan.

(Partha Sarthy, J)

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