

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48187 of 2021**

Arising Out of PS. Case No.-107 Year-2020 Thana- ARA MUFFSIL District- Bhojpur

GOLU KUMAR Son of Late Jagjivan Bind Resident of Village - Sri Nagar
Bhakura, P.S.- Ara Muffasil, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aditya Narayan Singh.1

For the Opposite Party/s : Mr.Raj Kishore Singh

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

3 26-04-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Ara Mufassil Police Station Case No. 107 of 2020, registered
for the offence punishable under Sections 341/342/323/324/376-
D/504/506/34 of the Indian Penal Code and Sections 4/6 of the
Prevention of Children from Sexual Offences Act, 2012.

The prosecution case, as per the First Information
Report, is that the petitioner and other co-accused persons
dragged the minor daughter of the informant, confined her in a
room and committed rape upon her and her minor daughter.

Learned Counsel for the petitioner submits that the
petitioner has falsely been implicated in this case due to
previous enmity and there is delay in lodging the First



Information Report inasmuch as the occurrence has allegedly taken place on 11.04.2020, but the First Information Report has been lodged, after a delay of two days, on 13.04.2020. He next submits that the present First Information Report has been lodged in retaliation of the case lodged by the sister of the petitioner, being Ara Mufassil Police Station Case No. 105 of 2020, against the family member of the informant for an occurrence, which has taken place on 11.04.2020 and the First Information Report was lodged by the side of the petitioner on 12.04.2020. He further submits that from perusal of the First Information Report, it would be evident that in the first part, the informant has alleged that she was ravished by the petitioner and other co-accused persons, but in the last line of the First Information Report, she has vaguely stated that her daughter informed her regarding rape committed by the petitioner and other co-accused persons. He further submits that similarly situated co-accused persons, namely, Anu Kumar and Ajit Kumar, have been granted bail by co-ordinate Bench of the Court, vide order, dated 24.05.2021, passed in Criminal Misc. No. 35424 of 2020. and the petitioner is in custody since 24.06.2021.

Regards being had to the submission advanced on



behalf of the parties and taking into consideration the materials on record and the fact that similarly situated co-accused persons have been granted bail by this Court, the First Information Report lodged by the side of the petitioner is prior in time, there is delay in lodging the present First Information Report and the petitioner is in custody since 24.06.2021, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge, Bhojpur, at Ara, in connection with Ara Mufassil Police Station Case No. 107 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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