

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38364 of 2022

Arising Out of PS. Case No.-91 Year-2022 Thana- MOHAMMADPUR District- Gopalganj

Dhananjay Pandey @ Chutan Pandey Son of Ramadhar Pandey Resident of
village- Barahima, P.s.- Sidhwaliya, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikash Kumar Shukla, Advocate

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 23-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Mahammadpur P.S. Case No. 91 of 2022 registered for the
offence under Section 376 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 30.04.2022.

The allegation against the petitioner is to commit rape
upon informant/victim.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner has falsely been implicated in the
present case due to money related dispute as a cash loan was



advanced to the informant/victim, when her husband was in judicial custody in connection with excise case and when a demand was raised to return the same, the petitioner was implicated in this false case of rape. It is submitted that medical report is not suggesting any physical injury and no-availability of victim statement under Section 164 of the Cr.P.C. also creating a serious doubt over entire allegation. It is further submitted that informant/victim is aged about 28 years, mother of four (4) children of different age groups, it appears highly improbable, as not to raise alarm at the time of occurrence. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as statement of victim, under Section 164 of the Cr.P.C., was not obtained in the background of previous enmity coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Mahammadpur P.S. Case No. 91 of 2022 on



furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-7th, Gopalganj/concerned court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

Physical presence of I.O. of this case, before this Court, is dispensed with.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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