

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48965 of 2021**

Arising Out of PS. Case No.-39 Year-2021 Thana- MAHILA P.S. District- Samastipur

Ajay Ram Son of Bundi Lal Ram Resident of Village- Malpur, P.S.- Patepur,
District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rana Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 27-01-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

The petitioner seeks bail in connection with Women
P.S. Case No. 39 of 2021 instituted for the offences under
Sections 376 and 354 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 13.06.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the
informant in the F.I.R. alleges that the petitioner (her relative)
came to her house in the night of 12.06.2021 and said that he
will stay in her house, accordingly the informant arranged the
bed in another room and she herself slept on the *verandah* and
her mother slept at the door. Further, on 13.06.2021 at about



3.05 am, the petitioner came out of his room and started outraging the modesty of the informant and dragged her in his room and when she protested, the petitioner made forcible physical relation on which the informant raised alarm and her mother came and the petitioner fled away.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case under parental pressure of the informant. Learned counsel also submits that impugned order perhaps was recorded inadvertently as the statement of the victim recorded under Section 164 of the Cr.P.C. does not even remotely support the prosecution case and the victim had disclosed her age as eighteen years and had stated that she and petitioner were in love and wanted to marry and petitioner had not done anything. Learned counsel further submits that the case has also been compromised between the parties and the same has been brought on record by filing a supplementary affidavit which presently is not before this Court but the Court believes the statement of the learned counsel for the petitioner.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody



since 13.06.2021, charge-sheet has been submitted in the case, petitioner is a person with clean antecedent, the victim had not supported the prosecution case even remotely in her statement under Section 164 Cr.P.C. and that the case has been compromised, let the petitioner above named be released on bail on furnishing bail bond of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of Shri Abhishek Anand, learned J.M.-1st Class, Samastipur in connection with Women P.S. Case No. 39 of 2021.

(Satyavrat Verma, J)

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