

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51011 of 2021

Arising Out of PS. Case No.-6 Year-2021 Thana- MAHILA P.S. District- Sheohar

Shakil Rain, son of Mehare Alam, resident of Village - Hirmma, P.S. -
Hirmma, District - Sheohar

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Singh

For the Opposite Party/s : Mr. Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 11-04-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Section 376D of the Indian Penal
Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 12.05.2021, he is a person with
clean antecedent and charge-sheet has been submitted in this
case.

The learned counsel for the petitioner further submits
that the informant alleges that she was called by Shakil Rain on
30.03.2021 at 9.00 P.M. by calling her through his mobile
no.8292042939 and when the informant reached near the
school, she found Shakil Rain along with Md. Ekram and one



unknown person. It is further alleged that all the three accused committed rape. The villagers disclosed the name of the third person as Md. Noor Alam Ansari. It is further alleged that when the informant came back home, she disclosed the entire occurrence too her neighbours.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is further submitted that it absolutely does not stand to reason that if a woman is raped by three persons in turn, then she would be able to walk and go home. The learned counsel further submits that there is a delay of eight days in instituting the F.I.R. that in itself demonstrates the falsity of the allegation when the informant in the F.I.R. herself has stated that she had disclosed the occurrence to her neighbours, as such, there was nothing which prevented the informant from instituting the F.I.R. It is further submitted that it absolutely does not stand to reason that the petitioner would have called the informant by his mobile, thereafter raped her and thus, would have created an evidence against himself. The learned counsel further submits that even the medical report does not substantiate the prosecution case.

Learned A.P.P. opposes the bail application.

Considering the fact that the petitioner is in custody,



he is a person with clean antecedent, charge-sheet has been submitted in this case and there is an inordinate delay of eight days in instituting the F.I.R., the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sheohar Mahila P. S. Case No.06 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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