

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51251 of 2021**

Arising Out of PS. Case No.-548 Year-2020 Thana- GOPALGANJ TOWN District-
Gopalganj

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MANU PAL, S/O LATE RAM NIWAS PAL @ RAM NIWAS Resident of
Amba, P.S. and District- Muraina (Madhya Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha
For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-02-2022 Heard the learned counsel for the petitioner and the

learned APP for the State, through Video Conferencing.

The petitioner seeks bail in connection with S.T. No.
91 of 2021 arising out of Gopalganj Nagar P.S. Case No. 548 of
2020, instituted for the offences under Section 376 of the Indian
Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 25.09.2020, he is a person with
clean antecedent, charge-sheet has been submitted and the
informant alleges that she was coming from Delhi to Darbhanga
by bus, further the bus stopped for breakfast and lunch and all
the passengers left for the hotel and the informant also went to
the hotel and returned after purchasing a bottle of water and sat



in cabin on which asked her to go and have breakfast but the informant said she does not want to eat thereafter, it is alleged that the petitioner raped her finding her alone in the bus, it is next alleged that the bus got in a jam when it started then again the petitioner forced himself on which police was informed and the petitioner was arrested.

The learned counsel submits that it absolutely does not stand to reason that the petitioner being the conductor of the bus would have committed rape when all the passengers had gone for having breakfast in the hotel and will further force himself on the informant when all the passengers were sitting in the bus and the bus was standing in the jam. The learned counsel further submits that neither 164 statement of the informant was recorded nor medical was done. This amply demonstrate that the petitioner came to be implicated merely on the statements of the informant without any evidence on record and based on suspicion.

The learned A.P.P. vehemently opposes the bail application.

Considering the fact that the petitioner is in custody since 25.09.2018, he is a person with clean antecedent, charge-sheet has been submitted and neither the statement of the victim



was recorded under Section 164 nor she was medically examined, 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 Addl. Sessions Judge Ist, Gopalganj, in connection with Gopalganj Nagar P.S. Case No. 548 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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