

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43914 of 2022

Arising Out of PS. Case No.-293 Year-2022 Thana- BODHGAYA District- Gaya

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Ayub Khan Son of Late Kayum Khan Resident of Village - Cherki Khap,
Police Station- Cherki (Bodhgaya), District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2, Advocate

For the Opposite Party/s : Mr.Navin Kr. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-11-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual court proceedings.

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

The petitioner seeks bail in connection with Bodhgaya
P.S. Case No. 293 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 05.06.2022.

The allegation against the petitioner is to commit rape
upon informant/victim on false pretext of marriage.

Learned counsel appearing on behalf of the petitioner
submitted that victim was major at the time of occurrence aged



about 25 years and relationship was admittedly consensual. It is submitted that from bare perusal of the statement of victim/informant, as recorded under Section 164 of the Cr.P.C., no physical relation was established with the petitioner and, as such there is no question arises as regard to rape, as alleged. It is further submitted that the present case has been lodged under the pressure of husband when he came to know about affairs of the victim/informant with the petitioner. 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 victim herself denied for any physical relation with the petitioner, as per her statement recorded under Section 164 of the Cr.P.C. 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 Bodhgaya P.S. Case No. 293 of 2022 furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class,



Gaya/concerned court, subject to the conditions as laid down
u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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