

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55675 of 2021

Arising Out of PS. Case No.-70 Year-2019 Thana- BARAULI District- Gopalganj

Rajesh Mahato @ Rajesh Chauhan Son of Chandrika Mahato @ Chandrika Chauhan Resident of Village - Kalyanpur, Police station - Barauli (O.P. Madhopur), District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-06-2022 At the outset, learned counsel for the petitioner seeks permission to make correction in the address portion of the petition.

Permission is accorded and the necessary correction be done during course of the day.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends his arrest in Barauli (Madhopur OP) P.S. Case No. 70 of 2019, registered for the offences punishable under Sections 302, 376 and other allied sections of the Indian Penal Code.

Prosecution case in brief is that this petitioner along with other co-accused persons wrapped Gamchha around the neck of the husband of informant and committed his murder and



also cremated the dead-body. After twenty days of the alleged occurrence, the petitioner committed rape with the informant and continuously used to commit rape with her.

It is submitted that petitioner has been falsely implicated in this case due to land dispute. The informant wants to grab 1/2 share of the property which is the root cause and with a view to harass and put pressure, this false and concocted case has been filed. Petitioner is step-brother of the deceased and informant is sister-in-law (Bhabhi) of the petitioner. The alleged occurrence took place on 13.04.2017, but the complaint was filed by the informant after 21 months of the occurrence without any plausible explanation which throws a cloud of suspicion on the prosecution case.

Considering the facts aforesaid, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Gopalganj in connection with Barauli (Madhopur OP) P.S. Case No. 70 of 2019, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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