

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58917 of 2021

Arising Out of PS. Case No.-248 Year-2020 Thana- MOUZA HIDPUR District- Bhagalpur

RAJU KUMAR SINGH Son of Sanatan Singh Resident of Village -
Sobhnathpur, P.S.- Kahalgaon, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-03-2022 Heard learned counsel for the petitioner and Mr.
Chandra Bhushan Prasad, learned A.P.P. for the State.

The petitioner seeks bail in connection with
Mojahidpur (Babarganj) P.S. Case No. 248 of 2020 instituted for
the offences under Sections 363 and 366(A) of the Indian Penal
Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 09.08.2021 is a person with clean
antecedent, charge-sheet has been submitted in the case and the
informant alleges that her minor daughter was kidnapped by
Piyush Kumar, Sudhnuta Prasad Singh, Sita Devi and Pinku
Singh on a Scorpio vehicle with an intent to marry.

Learned counsel for the petitioner submits that from
perusal of the allegation as alleged in the First Information



Report, it would manifest that the petitioner is not named in the First Information report. It is further submitted that name of the petitioner transpired in the statement of the victim recorded under Section 164 of the Cr.P.C. wherein she alleged that after kidnapping, this petitioner raped her. It is further submitted that the victim in her statement under Section 161 of the Cr.P.C. did not even remotely suggest the name of the petitioner and by way of after thought implicated him in a statement under Section 164 of the Cr.P.C. It is further submitted that petitioner and the victim are own cousins and this relationship has been concealed by the victim in her statement under Section 164 of the Cr.P.C. It is further submitted that being a brother of the victim, the petitioner was opposing her relationship with Piyush Kumar against whom the First Information Report was instituted alleging that he along with other accused persons had kidnapped the victim. It is further submitted that the victim in her statement under Section 164 Cr.P.C. has stated that she has married with Piyush Kumar, it is further submitted that since the petitioner was opposing the relationship as such, the victim concealing her relation with the petitioner falsely implicated him by alleging rape. It is further submitted that no brother will rape his own cousin sister. Further, the falsity of the allegation also manifest



from the fact that the victim was not ready to get herself medically examined and thus, the doctor could only assess her age in between 16-18 years and learned Magistrate had assessed the victim to be of 18-19 years of age. It is further submitted that the victim was in habit of eloping and she had eloped earlier also for which Mojahidpur (Babarganj) P.S. Case No. 158 of 2020 was registered against the present accused persons along with other accused person. It is further submitted that victim by way of after thought since the petitioner was opposing her relationship with Piyush Kumar, with whom she had married has falsely implicated the petitioner and thus, was not ready to get herself medically examined.

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 09.08.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and taking into consideration submissions made by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with



Mojahidpur (Babarganj) P.S. Case No. 248 of 2020.

(Satyavrat Verma, J)

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