

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67360 of 2021

Arising Out of PS. Case No.-27 Year-2019 Thana- BAKHTIYARPUR District- Patna

Indrajeet Bind, Son of Lakshman Bind, Resident of Village - Bhuapur, Police
Station - Bakhtiyarpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 14-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bakhtiyarpur P.S. Case No. 27 of 2019 registered for the alleged offences under Sections 363 and 366 (A) of the Indian Penal Code and later on Section 376 (D) of the Indian Penal Code was added.

As per prosecution case, the petitioner and other co-accused persons fled away with the grand daughter of the informant giving her inducement and concealed her somewhere.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The prosecution case is not believable and nothing has come against this petitioner during investigation. The occurrence took place on 05.01.2019 and the matter has been reported to the police on 17.01.2019 and the delay of 12 days has not been explained. The petitioner is aged about 18 years and no offence under Section 366 A of the IPC is made out and allegation of Section 376 D of the IPC has been made only to pressurize the petitioner. Even the age of the victim assessed by the medical board is above 18 years. The statement of the victim girl recorded under Section 164 of the Cr.P.C. about rape being committed by the petitioner is a tutored statement. In fact, the victim and the petitioner were known to each other. The victim girl went away with the petitioner on her own and went to Goa. Learned counsel further submits that even the statement of the victim under Section 164 Cr.P.C. is not believable as the victim girl reached Goa and thereafter returned, but she did not raise any alarm during the whole period. The petitioner is in custody since 09.06.2021 and charge-sheet has been submitted. The petitioner has no criminal history.

Learned APP opposes the prayer for bail submitting that there is specific allegation against this petitioner for



committing rape with the informant.

Perused the records.

Having regard to the facts and circumstances and the submissions made on behalf of the parties and further considering the possibility of false implication and the underlying improbability of the victim's statement and also considering the period of custody and the submission of charge-sheet along with clean antecedent of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Barh, Patna in connection with Bakhtiyarpur P.S. Case No. 27 of 2019, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be Babita Kumari, wife of the petitioner, who has sworn the affidavit in this case.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be



cancelled by the court concerned.

(Arun Kumar Jha, J)

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