

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70119 of 2021

Arising Out of PS. Case No.-270 Year-2021 Thana- SONBERSA District- Sitamarhi

Raushan Kumar, Son of Hari Rai, R/o village - Darbar Lalbandi Pachimi,
P.S.- Sonbarsa, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 11-08-2022 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 Sonbarsa P.S. Case No. 270 of 2021, registered for the alleged offences under Section 376 (2) (g) of the Indian Penal Code.

As per the prosecution case, finding the lady informant alone, the petitioner and the co-accused took her in a bush and the petitioner pulled her down and the co-accused Bhushan Paswan raped her.

The learned counsel appearing on behalf of the



petitioner submits that the petitioner is innocent and has been falsely implicated in this case. A supplementary affidavit has been filed on behalf of the petitioner bringing on record the copy of the deposition of witnesses before the trial court wherein the informant was also examined and specifically stated that this petitioner did not do any wrong with her. The other witnesses including the husband, sister-in-law and one of the independent witnesses have not supported the prosecution case against this petitioner. Moreover, even during the investigation, contradictions have been found in her statement recorded under Section 161 Cr.P.C. and Section 164 Cr.P.C. wherein she gave two versions of the occurrence. In the medical examination of the victim/informant, no external injury has been found and the doctor opined that it is very difficult to say that rape has been committed or not. The petitioner is in custody since 30.09.2021 and is having clean antecedent.

Learned APP opposes the prayer for bail submitting that the petitioner caught hold of the informant and the co-accused committed rape with her.

Having regard to the facts and circumstances of the case and the submissions made hereinabove and further considering the subsequent events specifically the examination



of the informant and other witnesses before the trial court wherein they have denied the role of this 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 Chief Judicial Magistrate, Sitamarhi, in connection with Sonbarsa P.S. Case No. 270 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be the close relative of the petitioner.

(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)

V.K.Pandey/-

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