

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70468 of 2021

Arising Out of PS. Case No.-163 Year-2021 Thana- KHODAWANDPUR District- Begusarai

RAJEEV KUMAR Son of Ram Bahadur Mahto Resident of Village -
Chakawa, P.O. and P.S. - Khodawandpur, District - Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar, Advocate

For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 20-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with
Khodawandpur P.S. Case No. 163 of 2021 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 24.07.2021.

The allegation against the petitioner is to commit rape
upon informant/victim, while she was sleeping in her house.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner has been falsely implicated in the
present case. It is submitted that as a complaint was lodged by



father of this petitioner, namely, Ram Bahadur Mahto, before C.O. Office, Khodawandpur, against the father-in-law of informant/victim, regarding temporary construction made over “*Gair Manjarua*” land, present false implication was made. It is also pointed out that even the statement of victim recorded under Section 164 of the Cr.P.C. is suggesting that this petitioner committed something wrong, which does not necessarily implied that rape was committed upon. It is further submitted that as husband of informant was living in Delhi, and this petitioner extended his help as good neighbour to informant, a suspicion arises for illicit relation. It is also pointed out that during course of trial informant, denied the allegation of rape against this petitioner. It is further submitted that medical examination report of informant is also not suggesting the allegation of rape. It is also pointed out that the independent witnesses, during course of investigation, supported the factum of love affairs of informant with petitioner, as surfaced in paragraph No.28 of the case diary. While concluding the argument, it has been submitted that still matter is pending for examination of prosecution witnesses and as such, trial is not likely to conclude in near future and moreover, investigation of this case has been completed, for which, charge-sheet has



already 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 and by taking note of nature of allegation, where, petitioner is in custody since 24.07.2021 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 Khodawandpur P.S. Case No. 163 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Manjhaul, Begusarai/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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