

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6329 of 2023

Arising Out of PS. Case No.-201 Year-2022 Thana- MANJHAGARH District- Gopalganj

RAJESH SAH @ RAJESH KUMAR Son of Kashi Nath Sah @ Kashi Sah
Resident of village - Madhu Sareya, P.S.- Manjhagarh, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhilesh Kumar

For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-05-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 364, 365, 376,302 & 201/34 of the Indian Penal Code.

All the F.I.R. named accused persons including this petitioner are said to have kidnapped the daughter of the informant, committed rape against her and killed her.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to local village politics and grudge. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is inordinate and abnormal delay of eight months in



lodging the complaint petition without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. As a matter of fact, the daughter of informant eloped with one Rajdoot Kumar Sah and performed marriage with him and now both are living in Andhra Pradesh. It is further stated that the daughter of the informant died on 17/18.10.2021 at the rented room in Andhra Pradesh and the said Rajdoot Sah surrendered before the Andhra Pradesh police and confessed his guilt. It is further stated that the petitioner has no concern with the aforesaid occurrence and he has been made accused in this case only with a mala fide intent to ruin his academic career because he has just passed the intermediate examination. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Having regard to the facts and circumstances of the case as well as the fact that the main accused is in judicial custody and has confessed his guilt, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below



where the case is pending/successor Court in connection with
Manjhagarh P.S. Case No. 201 of 2022, subject to the condition
as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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