

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5510 of 2023

Arising Out of PS. Case No.-597 Year-2019 Thana- GARKHA District- Saran

TINKU RAM Son of Kameshwar Ram R/o Banwari Basant P.S- Garkha,
Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-04-2023 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 Section 376 of the Indian
Penal Code.

Allegedly, petitioner is said to have committed rape with
the informant.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. No
such occurrence as alleged ever took place. He has been falsely
implicated in this case due to previous enmity. The allegation
levelled against the petitioner is not specific rather general and
omnibus in nature. There is admitted land dispute between the
parties. The occurrence is alleged to have been taken place on



30.07.2019 whereas complaint case was filed on 23.08.2019. There is inordinate and abnormal delay of more than 20 days in filing the complaint petition without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. It is further submitted that from the perusal of the impugned order, it is clear that the statement of the victim under Section 164 of Cr.P.C. has not been recorded and is not available in the case. Medical report of the victim is also not available with case diary. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, as the statement u/s 164 Cr.P.C. and the medical report of the victim are not available in the present case, 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 Garkha P.S. Case No. 597 of 2019, subject to the condition as



laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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