

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12276 of 2023

Arising Out of PS. Case No.-285 Year-2022 Thana- RAJIVNAGAR District- Patna

ABINASH KUMAR S/O KISHOR KUMAR @ KISHORE PRASAD
Resident of Village- Makhanpur, Iddgah Road, Near Sri Krishna Pratapi
Mandir, P.S.- Alamganj, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Krishna Jha, Advocate
For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
14.06.2022 in connection with Rajiv Nagar P.S.Case No.285 of
2022, F.I.R.dated 12.06.2022 registered for the offence under
Sections 328,376,506 of the Indian Penal Code.

3. Allegation against the petitioner is that he
committed rape upon the informant/victim in Mamta Hotel,
Sonapur.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case. Further submits that from a bare perusal of the FIR
it appears that the informant/victim has not stated anywhere in



the FIR on which date she has been raped by the petitioner and in which room the petitioner has committed wrong with the informant and from a bare perusal of the statement of the victim under Section 164 Cr.P.C. it appears that there is vague statement in her 164 Cr.P.C. which was recorded by the learned Trial Court in which she has not stated the date of occurrence and even she has not stated in her 164 Cr.P.C. statement that in which hotel the petitioner has committed rape upon her. Learned counsel for the petitioner submits that the victim/informant is a married lady and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 14.06.2022.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he committed rape upon the victim/informant and the 164 Cr.P.C. statement of the victim was recorded, in which she has categorically stated that the petitioner has committed rape upon her but fairly submits that she has not mentioned the date on which date, the present occurrence had taken place and apart from the aforesaid, the petitioner carries one more case other than the present one but fairly submits that the petitioner is



on bail in the said case, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Patna in connection with Rajiv Nagar P.S.Case No.285 of 2022, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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