

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20324 of 2023

Arising Out of PS. Case No.-204 Year-2021 Thana- GOGRI District- Khagaria

Dievesh Raj @ Dibesh Raj @ Diwesh Raj @ Deevesh Raj, aged about 22 years (Male), son of Deepak Chaurasia, resident of village - Gadhmohni, P.S. - Gogri, Distt. - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Gogri PS Case No. 204 of 2021 dated 16.05.2021, instituted for the offence punishable under Sections 376, 341, 323, 342, 325, 504, 506/34 of the Indian Penal Code.

3. The prosecution case, in short, is that the petitioner, who is the son of younger father-in-law of the informant, has committed rape with her. She complained to his mother about the incident on 15.04.2021 and subsequently sent message through WhatsApp to the father of the petitioner on 19.04.2021 due to which petitioner's father, mother and brother had assaulted her. The petitioner fled away from his house on



25.04.2021. When the husband of the informant came from Delhi, she filed written complaint in the Police Station.

4. Learned counsel for the petitioner submits that there is delay of one month five days in lodging the FIR. Learned counsel for the petitioner submits that informant is a married woman aged about 28 years and the petitioner is aged about 20 years at the time of alleged offence. Learned counsel further submits that petitioner is the cousin of husband of the informant. Learned counsel further submitted that as per the written report, the informant complained about the occurrence to the mother of the petitioner on 15.04.2021 and then she informed the father of the petitioner on 19.04.2021 and thereafter information was given to the *Mukhiya* about the alleged occurrence. Learned counsel further submits that due to family dispute the petitioner has been falsely implicated to ruin his career, who is the bright student of Engineering College. Learned counsel further submits that the petitioner is a student and has completed three years course in Mechanical Engineering from Longowal Polytechnic College, Mohali. It is further submitted that all the family members of the petitioner have been made accused and ten co-accused have been granted anticipatory bail by a co-ordinate Bench of this Court. Lastly, it



is submitted that the petitioner is in custody since 13.12.2022 having clean antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, Khagaria, in Gogri PS Case No.204 of 2021.

(Khatim Reza, J)

J. Alam/-

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