

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25285 of 2023

Arising Out of PS. Case No.-1020 Year-2022 Thana- KHAGARIA District- Khagaria

=====

TULSI SINGH @ TULSI KUMAR S/O LATE NIRANJAN SINGH R/O
Village- Ward No. 08, Bhadas Uttari, P.S- Muffasil, Distt.- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-07-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 20.12.2022
in connection with Khagaria (Muffasil) P.S. Case No.1020/2022,
dated 27.09.2022, for the offences punishable under Sections 450,
376, 323, 342 and 34 of the IPC.

3. According to prosecution case, the allegation against the
petitioner is that he was standing outside the place of occurrence,
while the other two accused persons namely Sugathia and Sanjeev
Singh have committed rape upon the victim.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He further
submits that the allegation as alleged in the F.I.R. is false and
fabricated and the petitioner has not committed any offence as
alleged in the F.I.R. He further submits that it appears from the



statement of the victim recorded under Section 164 of the Cr.P.C. that the petitioner has not committed rape upon the victim rather other co-accused persons namely Sugathia and Sanjeev Singh have committed rape upon the victim. The petitioner was standing outside the place of occurrence. He further submits that the victim was also examined by the doctor on 28.09.2022 and the doctor has opined that *no evidence of emission of semen inside vagina within 48-72 hours*. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 20.12.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried two criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in one case.

6. Considering the aforesaid facts and circumstances, 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 Sri Aditya Prakash, Judicial Magistrate, Khagaria in connection with Khagaria (Muffasil) P.S. Case No.1020/2022, subject to the following conditions:-

1. 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



absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. 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)

amit/-

U		T	
---	--	---	--

