

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29757 of 2023

Arising Out of PS. Case No.-1031 Year-2022 Thana- BIHTA District- Patna

RAVI RANJAN KUMAR @ RAVI KUMAR Son of Sri Lalbabu Mahto
Resident of village - Lai, P.S. - Bihta, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 43464 of 2023

Arising Out of PS. Case No.-1031 Year-2022 Thana- BIHTA District- Patna

GOLU KUMAR @ ROHIT KUMAR Son of Anil Prasad Resident of village -
Machahalpur Lai, P.S. - Bihta, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 29757 of 2023)

For the Petitioner/s : Mr. Ashok Kumar Sinha, Advocate

For the Informant : Mr. Sheo Jee Mishra, Advocate

For the Opposite Party/s : Mr. Umanath Mishra

(In CRIMINAL MISCELLANEOUS No. 43464 of 2023)

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate

Mr. Pramod Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-07-2023 Heard Mr. Ashok Kumar Sinha, learned counsel for
the petitioner in Cr. Misc. No. 29757 of 2023 and Mr. N.K. Agrawal
learned Senior counsel for the petitioner in Cr. Misc. No. 43464 of
2023, learned counsel appearing on behalf of the Informant and
learned APP for the State.

Petitioners seek bail, who are in custody since



10.10.2022, in connection with Bihta P.S. Case No. 1031 of 2022, F.I.R. dated 07.10.2022 registered for the offences punishable under Sections 376(D)/379/34 of the Indian Penal Code.

Allegation against the petitioners is that they along with other co-accused persons committed rape upon the victim (informant).

Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. They further submit that the petitioners are not named in the F.I.R. and the name of the petitioners have been transpired during investigation on the basis of the confessional statement of co-accused persons namely Prince Kumar and Rahul Kumar. Further submits that there is admitted land dispute between the parties with regard to the landed property for which proceeding under Section 144 of the Cr. P.C. is going on and except the statement of the victim, no other cogent material has come during investigation against the petitioners to suggest the involvement of the petitioners in the present case and even the prosecution has not medically examined the victim and without medical examination the prosecution has filed the chargesheet against these petitioners and the petitioners are in custody since 10.10.2022.

The learned counsel appearing on behalf of the Informant and learned Additional Public Prosecutor for the State,



on the other hand, vehemently opposed the prayer for bail of the petitioners and submits that the statement of the victim under Section 164 of the Cr. P.C. was recorded in which she has categorically stated that co-accused persons along with others have committed rape upon her.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Danapur, Patna in connection with Bihta P.S. Case No. 1031 of 2022, subject to the following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for



cancellation of bail bond of the petitioners. 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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