

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32683 of 2023**

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

Rudal Singh Son of Late Ramchandra Singh Resident of Village - Uttari
Bhadas, P.S.- Muffasil, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abdul Mannan Khan, Advocate Mr. Allama Abdul Quadir Jamal Faridi, Advocate
For the Opposite Party/s	:	Mr. Umeshanand Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 07-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Khagaria
Muffasil P.S. Case No. 1020 of 2022 registered for the offence
under Sections 450, 376, 323, 342/34 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 14.11.2022.

As per case of prosecution, the name of petitioner
surfaced during the course of investigation on the basis of
confessional statement of co-accused Sugathia, who stated
thereof that prior to committing present occurrence of rape, he



alongwith petitioner and other co-accused persons consumed liquor, where allegation of rape is available against named co-accused Sugathia.

Learned counsel appearing on behalf of the petitioner submitted that the informant is not the eye witness of the occurrence, where on the basis of hearsay input he lodged present case against co-accused Sugathia, specifically, as to commit rape upon his wife with aid of co-accused Sanjeev Kumar Singh, who guarded the place of occurrence with gun. It is submitted that there is no even whispering about the petitioner and his name appears in this case only during the course of investigation as an afterthought, just for the purpose of false implication, out of local disputes and differences. It is also submitted that even the victim not named this petitioner through her statement as recorded under Section 164 of the Cr.P.C., where she stated specifically that rape was committed upon her by co-accused Sugathia only. While concluding the argument, it has been submitted that petitioner found involved in two more criminal cases, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.



Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation of rape is not available against this petitioner as same is available against co-accused Sugathia, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 14.11.2022, accordingly, above named petitioner is directed to be released on bail in connection with Khagaria Muffasil P.S. Case No. 1020 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Khagaria/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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