

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33287 of 2023

Arising Out of PS. Case No.-77 Year-2022 Thana- KUMAR KHAND District- Madhepura

Ashish Kumar @ Ashish Chouhan S/O- Subhash Singh Village- Sikiyaha
Ward No-11, Ps- Kumarkhand Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh

For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 12-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 341, 323, 347, 348, 354, 376, 324, 307, 446, 447, 448, 504, 506 and 34 of the Indian Penal Code.

3. Allegation against the petitioner along with other co-accused persons is that they went to the house of the complainant and this petitioner entered in the house of the complainant and on the point of pistol committed rape with her at the instance of performing marriage with the victim(complainant). Further, they badly assaulted the complainant's brothers.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The alleged occurrence took place in the year 2020 but the complainant has lodged this complaint case on 01.03.2022 after delay of about two years. It is further submitted that there is contradiction between the complaint of the complainant and her statement recorded under Section 164 of the Cr.P.C. as in the complaint case, she stated that petitioner committed wrong with her whereas in her statement recorded under Section 164 of the Cr.P.C, she specifically stated that all the accused persons including this petitioner committed wrong with her which creates doubt in the authenticity of the prosecution version. Medical report of the complainant does not corroborate with the prosecution case. A statement has been made in para-3 of this petition that the petitioner has got criminal antecedent. Moreover, he is languishing in judicial custody since 17.06.2022.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be



released on bail in connection with Kumarkhand(Bhatani O.P.)
P.S. Case No. 77 of 2022 on furnishing bail bond of Rs.10,000/-
(ten thousand) with two sureties of the like amount each to the
satisfaction of learned Concerned Court.

(Sunil Kumar Panwar, J)

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