

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36557 of 2023

Arising Out of PS. Case No.-67 Year-2022 Thana- MAHILA P.S. District- Samastipur

SONU KUMAR Son of Kailashapati Singh @ kailash Singh Resident of
village - Basudevpur, ward no. 6, P.S. - Kalyanpur, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Adv.

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-07-2023 Heard Mr. Ajay Kumar, learned counsel appearing on
behalf of the petitioner and learned Additional Public Prosecutor
for the State.

2. The petitioner apprehends his arrest in connection
with Samastipur (Mahila) P.S. Case No. 67 of 2022, registered
for the offences punishable under Sections 376, 511, 354(B),
354(C), 509, 504, 506/34 of the Indian Penal Code.

3. It is alleged that while the informant was sleeping
at the roof along with her children, this petitioner came in a
naked position and caught her to commit rape upon her, in the
meantime, her husband came and saved her. Further allegation
has been made that the petitioner has also obtained some
obscene photographs of the informant and pressurized her to
establish physical relationship.



4. Learned counsel appearing on behalf of the petitioner submits that the informant has instituted this case with *male fide* intention and true facts have not been disclosed. The informant is the own aunt of the petitioner and only due to land dispute and some family feud, this false case has been instituted. While drawing the attention of this Court to the FIR, learned counsel submits that allegedly the occurrence is said to have taken place on 24.07.2022 but surprisingly the FIR has been instituted on 07.09.2022 and no plausible explanation for such delay has been assigned.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submits that the the petitioner was caught by the husband of the informant while he was trying to commit rape.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR and the fact that the informant has not come with true picture, coupled with the fair antecedent, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of the learned
S.D.J.M., Samastipur in connection with Samastipur (Mahila)
P.S. Case No. 67 of 2022, subject to the conditions laid down in
Section 438(2) Cr.P.C. with the further condition that one of the
bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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