

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37608 of 2023

Arising Out of PS. Case No.-90 Year-2023 Thana- NAUBATPUR District- Patna

Abhishek Kumar S/o Manoj Kumar R/O- Ward No. 3, Pila Chak, Aikhan, Ps.
Dulhin Bazar, Dist. Patna.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
		Mr. Uday Pratap Singh, Advocate
For the Opposite Party/s	:	Mr.Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-07-2023 Heard learned senior 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
Naubatpur P.S. Case No. 90 of 2023 registered for the offence
under Sections 420, 376, 506 of the Indian Penal Code, 1860.

The accused/petitioner is named in the F.I.R. and is in
custody since 09.02.2023.

The allegation against the petitioner is to commit rape
upon the informant/victim, who is major.

Learned Senior counsel appearing on behalf of the



petitioner submitted that out of certain monetary disputes, the present false allegation was raised against this petitioner, where FIR was lodged with a delay of about 15 months without having any just explanation. It is submitted that no medical examination was conducted upon victim as to corroborate her allegation. It is submitted that from the narration of FIR, it can be gathered easily that the physical relation established between the parties out of consent for about two years and when money dispute surfaced, the present false implication was raised. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is 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 present FIR lodged with a delay of about 15 months, where informant/victim refused to go for medical examination, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 09.02.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Naubatpur P.S. Case No. 90 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of
learned A.C.J.M.-VI, Dananpur at Danapur/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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