

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39642 of 2022

Arising Out of PS. Case No.-142 Year-2021 Thana- JAMUI District- Jamui

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RUPESH TANTI @ RUPESH KUMAR TANATI @ RADHEY TANTI SON
OF KANHAI TANTI R/O VILLAGE- KALYANPUR, P.S. AND DISTRICT-
JAMUI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Adv.

For the Opposite Party/s : Ms. Rinha Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 20-01-2023 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 366 and 376 of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that the devar (husband's brother) of her cousin (mameri) sister took her on the pretext that her cousin sister was calling her and committed rape on her. Thereafter she states that others also forced themselves upon her. Subsequently it is stated that the accused refused to marry.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The main thrust of allegation is on the brother-in-law of her cousin



sister namely Mukesh Kumar Tanti. In course of investigation, the statement of the alleged victim was recorded under section 164 Cr.P.C. from which it would transpire that allegation of rape has been made solely against Mukesh and no other person. It is further submitted that subsequent to filing of the instant application as per oral instruction received final form has been submitted by the investigating authority against this petitioner, however no order has been passed thereon.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner together with the contents of the statement of the victim under section 164 Cr.P.C., the petitioner being in custody since 22.3.2022, his not having any criminal antecedent and final report having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Jamui P.S. Case no.142 of 2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jamui.

The observations made in this order are for the purpose of bail application only and will not be taken note of by



the learned trial court at any stage of the proceedings in the
learned court below.

(Partha Sarthy, J)

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