

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42935 of 2023**

Arising Out of PS. Case No.-648 Year-2022 Thana- MADANPUR District- Aurangabad

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SUMANT KUMAR Son of Ravindra Choudhary @ Jatu Choudhary Resident
of village - Chand Bigaha, P.s. - Madanpur, Distt. - Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-08-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Madanpur P.S. Case No. 648 of 2022 dated 30.12.2022
registered for the offence under Sections 341, 323 and 376
of the Indian Penal Code.

The petitioner is alleged to have committed rape
upon the informant while she was sleeping in her house in
the night and also threaten her to kill if she will raise alarm.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that the allegation, as alleged in the F.I.R., is



false and fabricated and the petitioner has not committed any offence. He further submits that on bare perusal of the F.I.R., it appears that the occurrence is alleged to have been committed on 22.12.2022 whereas the instant F.I.R. has been lodged on 30.12.2022 after delay of seven days without any explanation. He further submits that it has come during investigation that the petitioner was having relationship with the victim and number of independent witnesses have supported the relationship of the petitioner and the victim in their depositions. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 18.04.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the victim in her statement recorded under Section 164 Cr.P.C. has categorically stated that the petitioner has committed raper upon her and the medical report of the victim also supports the allegation as alleged in the F.I.R.

Considering the facts and circumstances of the case and the rival submission of the parties and the statement of



the victim recorded under Section 164 Cr.P.C. supported by the medical evidence, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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