

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41643 of 2022

Arising Out of PS. Case No.-84 Year-2022 Thana- RUPAULI District- Purnia

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AJAY SHARMA Son of Kishan Sharma @ Krishndev Sharma Resident of
village - Lalganj, P.S- Rupuoli (Mohanpur) Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Section 376 of the Indian Penal
Code.

According to prosecution case, the informant has
given a written report to the office in-charge of Mohanpur police
station and stating therein that on 02.04.2022 when the
informant and his gotni and her son namely Ganesh Kumar aged
about 17 years went for bringing the grass towards 500 meter
from her house and when the informant reached at her field and
she saw that the son of her Bhaisur namely Ajay Sharma was
standing and the son of the informant went to cut grass to other
field and the gotni of the informant said that some persons have
cut the leaf of maize and in the meantime accused came and told



the accused to the gotni of the informant to go house and then accused came and pressed her mouth and on the point of three nut committed rape in the field of maize forcibly.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that in fact the informant is Aunt of the petitioner and the allegation as alleged in the F.I.R. is concocted and fabricated and no such occurrence took place. He further submits that it appears from the F.I.R. that the occurrence took place in presence of the another aunt but she never raise Halla during place of occurrence. He further submits that the medical report does not support the allegation as alleged in the F.I.R. and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 04.04.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the victim girl has supported the case against the petitioner in her statement which was recorded under Section 164 Cr.P.C.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Rupuoli (Mohanpur) P.S. Case No. 84 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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