

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47371 of 2023

Arising Out of PS. Case No.-765 Year-2021 Thana- FATUA District- Patna

RAVI KUMAR Son of Jagnarayan Paswan Resident of Village - Kolhar, P.S.-
Fatuha, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Majid Mahboob Khan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 02-08-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with
ST No.1351 of 2022 arising out of Fatuha P.S. Case No.765 of 2021
dated 04.10.2021 registered for the offence/s punishable under
Section/s 376(D) of the Indian Penal Code.

3. This is second attempt of the petitioner for the
relief of regular bail after his earlier attempt for the same relief was
rejected by this Court vide order dated 10.08.2022 passed in Cr.
Misc. No.6223 of 2022 preferred by this petitioner and now the
petitioner has come again for the same relief on the ground of
examination of victim and other material witnesses in the trial of
the petitioner as well as petitioner's custody period.

4. It is submitted by learned counsel for the petitioner
that after the rejection of petitioner's earlier prayer the so-called



victim as well as three other prosecution witnesses have been examined, the victim in the cross-examination denied to identify this petitioner and did not depose any material against him to show his involvement in the alleged crime and the rest said prosecution witnesses went hostile and one co-accused namely Sanjay Singh carrying almost similar nature of allegation has been granted bail by this Bench vide order passed in Cr. Misc. No.27950 of 2023. Further submission is that the petitioner has been languishing in jail since 06.10.2021.

5. Learned APP appearing for the State opposes the bail prayer.

6. Heard both the sides. Though the instant matter relates to serious offence of rape but considering the above-mentioned circumstances pointed out by petitioner's counsel which go in favour of the petitioner, in the opinion of this Court, the petitioner now deserves to a lenient approach of this Court. Accordingly, let the petitioner named-above be released on bail in connection with ST No.1351 of 2022 arising out of Fatuha P.S. Case No.765 of 2021 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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