

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44144 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- MAHILA P.S. District- Madhepura

Ramlal Kumar Son Of Late Dinesh Paswan Resident Of Village- Manpur
Ward No. 09, PS- Gamhariya, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Mahila P.S. Case No. 09 of 2023 registered for the offences
punishable under Section 376 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent, he is a young boy
aged about nineteen years and the informant alleges that
petitioner entered her house in the night and forcefully raped her
by dashing on the ground, further alleges that on alarm no one
came but still she resisted and when her children woke up, the
petitioner fled away leaving his purse along with Aadhar Card,
Pan Card and Passbook which were recovered.

4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the present case, it is next submitted that though it is alleged that petitioner forcefully raped her but then on alarm none of the neighbours came nor heard, as would manifest from the FIR itself, it is further submitted that petitioner and informant were known to each other and it appears that petitioner had gone to meet the informant in absence of her husband and when the children woke up, the present false case of rape came to be instituted. Learned counsel further submits that it absolutely does not stand to reason that if the petitioner had gone to commit an occurrence then how his Aadhar Card, Pan Card, Passbook along with purse were recovered as such it amply demonstrates that he had kept all the articles in the house of the informant and when the children woke up he had to flee leaving behind the aforesaid articles, it is further submitted that even the injury report does not corroborate rape nor even records that any bruise was found when it is alleged that rape was committed forcefully.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that there is direct allegation of rape against the petitioner.

6. At this stage, the learned counsel for the petitioner submits that petitioner will not abscond rather will present



himself before the Investigating Officer as and when required for eliciting the truth and proving his innocence.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Mahila P.S. Case No. 09 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself when required, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

9. Let a copy of this order be sent to the concerned PS through the learned trial court.

10. It is further made clear that in the event, if charge-



sheet is submitted connecting the petitioner with the offence, in that event, the present anticipatory bail order shall lose its effect, however, the petitioner will not be denuded of his right to avail his remedies in accordance with law.

(Satyavrat Verma, J)

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