

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47293 of 2023

Arising Out of PS. Case No.-825 Year-2022 Thana- JAHANABAD District- Jehanabad

RAHUL KUMAR SON OF VINOD THAKUR RESIDENT OF VILLAGE-
BHITHIYA, PS- JEHANABAD TOWN (KARAUNA OP.), DISTT-
JEHANABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Sharan Prasad Singh, Advocate.

For the Opposite Party/s : Mr.Nityanand, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-08-2023 Heard Mr. Sheo Sharan Prasad Singh, learned counsel

appearing on behalf of the petitioner and Mr. Nityanand, learned

APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Jehanabad Town (Karana O.P.) P.S. Case No. 825 of 2022
registered for the offence punishable under Sections 365/366/34
of the Indian Penal Code.

3. As per allegation made in the F.I.R., petitioner
along with his family members are said to have abducted the
daughter of the informant aged about 20 years nearly three
months before the date of lodging of the F.I.R. on 29.08.2022.
Statement of the victim was recorded under Section 164 Cr.P.C.
on 03.09.2022 just four days after lodging of the F.I.R. in which



the victim has alleged that petitioner has committed rape on her during the period she lived with the petitioner.

4. Learned counsel appearing on behalf of the petitioner submitted that the victim remained with the petitioner on her own wish as it would appear from the F.I.R. itself that the F.I.R. was lodged on 29.08.2022 while the alleged incidence of abduction relates to 21.05.2022. He further submits that petitioner and the victim were in love relationship which was not accepted by the informant and other family members, due to which the petitioner has been made accused on false accusations. The statement of the victim recorded under Section 164 Cr.P.C. is also not sustainable as the same, *prima facie*, appears to be tutored. Learned counsel further submits that petitioner has not committed any wrong with the daughter of the informant who has under pressure has made allegation against the petitioner which is not sustainable and such allegation after lapse of three months cannot be considered to be true.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having considered rival submissions made by the parties as well as the fact that the informant remained with the petitioner for three months and thereafter the F.I.R. has been



lodged on the basis of allegation that the petitioner has committed rape upon her, the victim is major and *prima facie* it appears that no complaint was made by her during the said period after a lapse of three months, I am of the *prima facie* opinion that the petitioner has made out a case to be released on bail.

7. The petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Jehanabad Town (Karona O.P.) P.S. Case No. 825 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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