

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45375 of 2023

Arising Out of PS. Case No.-21 Year-2021 Thana- MUFFASIL District- West Champaran

SAROJ THAKUR @ SAROJ KUMAR son of Late Radhakant Thakur
Village- Ward No-3, Chargaha Ps- Bettiah Muffasil, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Bettiah Muffasil P.S. Case No. 21 of 2021 registered for the offence under Sections 147, 148, 149, 323, 325, 376(D), 457, 341, 307, 354(B) and 120(B) of the Indian Penal Code.

The petitioner along with other F.I.R. named accused persons are alleged to have committed rape upon the complainant.

Learned counsel appearing for the petitioner submits that the petitioner 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 03.11.2020 whereas the complaint has been lodged on 09.11.2020 after lapse of six days without any explanation which was later on registered as Bettiah Muffasil P.S. Case No. 21 of 2021. He further submits that the police after investigation has submitted charge-sheet under Section 448, 354(B), 323, 325, 342, 379, 427, 504 and 34 exonerating the petitioner from the charge of Section 376(D) of the I.P.C. Moreover, co-accused, Laddu Patel @ Nageshwar Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 31.08.2023 passed in Cr. Misc. No. 55216 of 2023. The petitioner is rotting in judicial custody since 21.03.2023.

Learned A.P.P. for the State opposed the prayer for bail of the petitioner and submits that there is direct allegation of commission of rape upon the complainant against the petitioner. He further submits that the petitioner carries six cases other than the present one out of which he is on bail in five cases.

Considering the facts and circumstances of the case and the fact that the police after investigation do not find the case to be true and exonerated the petitioner from the charge of Section 376(D) of the I.P.C, let the, above named, petitioner 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 learned Chief Judicial Magistrate, West Champaran,



Bettiah in connection with Muffasil P.S. Case No. 21 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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