

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47572 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- PIPRAHI District- Sheohar

SANJIT RAY @ SANJEET KUMAR Son of Rajendra Ray Resident of
village - Ambakala, P.S. - Piprahi, Distt. - Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-09-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 08.05.2023 seeks
bail, in connection with Piprahi P.S. Case No.23/2023, dated
02.02.2023, for the offences punishable under Sections 341,
323, 354, 376, 379, 504 & 506/34 of the IPC.

3. According to prosecution case, the petitioner is
alleged to have committed rape upon the informant while she
was sleeping and when the father-in-law of the informant tried
to save her, he was also assaulted by the petitioner due to which
the father-in-law became badly injured.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present 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 as alleged in the F.I.R. He further submits that in fact the petitioner and husband of the informant/victim are own cousin brother (Mouserai Bhai) and informant is Bhabhi of the petitioner and there is admitted land dispute between them so the informant has filed the present false and fabricated case against the petitioner. He further submits that from bare perusal of the statement of the victim recorded under Section 164 Cr.P.C., in which, the informant has not stated the alleged date of occurrence and she has stated in her 164 Cr.P.C. statement that there is no gate in her house but in the second part she has stated that the petitioner after opening the gate fled away from her house and she has also refused for her medical examination. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 08.05.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has committed rape upon the informant/victim and the statement of the victim recorded under Section 164 Cr.P.C. supports the prosecution version but



fairly submits that the informant/victim has refused for her medical examination.

6. 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 J.M.1st Class, Sheohar in connection with Piprahi P.S. Case No.23/2023, 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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