

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52016 of 2023

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

Arjun Patel @ Arjun Kumar Son Of Jawahir Prasad @ Jawahir Patel Resident
Of Village-Chargaha, P.O. And P.S.-Bettiah (Mufassil), District-West
Champaran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikas Ratan Bharti, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
27.01.2023 in connection with Bettiah (Mufassil) P.S. Case No.
21 of 2021, F.I.R. dated 05.01.2021 for the offences punishable
under Sections 147, 148, 149, 323, 325, 376(D), 457, 341, 307,
354(B), 380 and 120B of the Indian Penal Code.

3. According to prosecution case, the informant is
said to have been assaulted and raped by the petitioner and other
co-accused persons.

4. Learned counsel for the petitioner submits that
petitioner is innocent 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 he has not commit any offence. He further submits that it appears from the F.I.R. as well as statement of the victim under Section 164 of the Cr.P.C. that the co-accused person, namely, ***Saroj Thakur @ Saroj Kumar*** has committed rape upon her. He further submits that as per allegation, statement of the victim, which was recorded under Section 164 of the Cr.P.C. states that the petitioner has caught hold of the leg of the victim and the police after investigation disbelieved the case of the committing rape upon the victim and filed charge-sheet against the petitioner under Sections 448, 354B, 323, 325, 342, 379, 427, 504, 526 and 34 of the Indian Penal Code on 25.04.2023. He further submits that the co-accused person, namely, ***Saroj Thakur @ Saroj Kumar*** has been granted bail vide order dated 01.09.2023 in Cr. Misc. No. 45375 of 2023 and other co-accused person, namely, ***Laddu Patel @ Nageshwar Kumar*** also has been granted bail vide order dated 31.08.2023 in Cr. Misc. No. 55216 of 2023 by the co-ordinate Bench of this Court. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 27.01.2023.

5. The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries six criminal antecedent other than the present one but fairly submits that on the basis of Paragraph No. - 3 of the bail petition, petitioner is on bail in all the six cases.

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 Chief Judicial Magistrate, West Champaran, Bettiah, in connection with Bettiah (Mufassil) P.S. Case No. 21 of 2021, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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