

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54749 of 2023

Arising Out of PS. Case No.-11 Year-2023 Thana- DARPA District- East Champaran

Sampat Ram Son Of Tapi Ram Resident Of Village- Narkatia, Ps- Darpa,
Dist- East Champaran

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-08-2023 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

The accused/petitioner is named in the F.I.R. and
apprehend his arrest in connection with Darpa P.S. Case No. 11
of 2023 registered for the offences punishable under Sections
452, 376, 354-B, 379, 323, 504/34 of the Indian Penal Code (in
short 'I.P.C.').

The allegation against this petitioner is to commit rape
upon informant/victim, who is a married female aged about 28
years.

Learned counsel appearing on behalf of the petitioner



submitted that prior to this occurrence husband of victim outraged the modesty of niece of this petitioner for which a case was lodged which has been registered as Darpa P.S. Case No. 83 of 2019 and just to counter said case, present false implication was raised against petitioner after 13 days of the occurrence, where initially a complaint was lodged before learned Chief Judicial Magistrate and subsequently, F.I.R. was lodged under Section 156(3) of the Cr.P.C. It is further submitted that during the course of investigation informant recorded her re-statement which is the part of paragraph no. 5 of the case diary, where she specifically denied the occurrence and stated that to counter the criminal case lodged against her husband, the present false implication was made. It is further pointed out that allegation of criminal trespassing was also not appears supported during the course of investigation. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

Learned APP for the State opposes the prayer of bail.

Considering the aforesaid facts and circumstances and by taking note of the fact as victim herself denied the occurrence of rape while making her re-statement during the course of investigation, which is the part of paragraph no. 5 of the case diary, accordingly, the above named petitioner, in the



event of his arrest or surrender before the court below within a period of four weeks of this order, is directed to be released on anticipatory bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Raxaul, at Motihari/concerned Court, where the case is pending in connection with Darpa P.S. Case No. 11 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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