

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62921 of 2022

Arising Out of PS. Case No.-56 Year-2022 Thana- ROSERA District- Samastipur

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RAUSHAN DAS @ RAUSHAN KUMAR Son of Shivji Das R/O Vill-
Motipur, Ward No-3, P.S- Rosera, Distt- Samastipur. Petitioner/s
Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-05-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 452, 341,
323 & 376/34 of the Indian Penal Code.

While the informant was sleeping, the petitioner is
said to have entered into her room and committed rape against
her on the point of chhura.

It is submitted by learned counsel for the
petitioner that no such occurrence as alleged ever took place.
He has been falsely implicated in this case due to dirty village
politics, enmity and grudge on account of previous litigation
between the parties. The allegation levelled against the
petitioner is not specific rather general and omnibus in nature.
It is further submitted that earlier to the case under hand, the
uncle of the petitioner had filed Rosera P.S. Case No.204 of



2009 in the which the brother-in-law of the informant is accused along with others. In retaliation thereto, the mother-in-law of the informant had also filed Complaint Case No.1044 of 2009. For the same alleged occurrence, a Complaint Case No.628 of 2021 has also been filed and the same is suppressed by the informant. It is further submitted that there is inordinate and abnormal delay of three months in lodging the F.I.R. without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Rosera P.S. Case No. 56 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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