

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61278 of 2022

Arising Out of PS. Case No.-356 Year-2022 Thana- KRITYANAND NAGAR District-
Purnia

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AMIT KUMAR SAH @ AMIT KUMAR, S/O Shyamanand Sah, R/O
Village- Dharari (Gharari), P.S- K. Nagar, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saroj Kumar Sharma, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-01-2023 Heard learned counsel for the petitioner and learned APP
for the State.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with K. Nagar P.S. Case No. 356 of 2022 registered under Sections 447, 376, 504, 506 and 34 of the Indian Penal Code.

The informant has alleged that while her husband was sleeping in the fields, the petitioner had entered her house in the dead of night and committed rape.

Learned counsel for the petitioner submits that falsity of the allegation is apparent from the delay in institution of FIR. FIR has been lodged on 23.06.2022 and the alleged occurrence is of 29.05.2022. The falsity is also manifest from the fact that the statement of the informant, who is a major lady, recorded under



Section 164 Cr.P.C (Annexure-2) shows that she has stated that the petitioner tried to commit rape whereas in the FIR she has stated about the petitioner having committed rape. In fact, the implication is on extraneous considerations, as the parties are neighbors. Having no antecedent, the petitioner is in custody since 19.07.2022 and investigation is complete.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, the period of custody, clean antecedent, the proximity of the parties and the variation in the statements highlighted by the learned counsel for the petitioner, this Court is inclined to allow the prayer for bail of the petitioner.

Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of C.J.M. Purnea in K. Nagar P.S. Case No. 356 of 2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

Sumit/Shashank-

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