

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64639 of 2023

Arising Out of PS. Case No.-92 Year-2023 Thana- SHANKARPUR District- Madhepura

Goutam Kumar S/O Vijay Yadav R/O Village- Raibhir, P.S- Shankarpur,
Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bijendra Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Md. Matloob Rab, APP
For the Informant	:	Mr. Amarnath Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. The petitioner seeks regular bail in connection with
Shankarpur P.S. Case No. 92 of 2023, lodged on 03.06.2023
under Sections 376, 323, 341, 504, 506 of the Indian Penal
Code.

3. As per the prosecution case, the FIR has been
lodged against the sole petitioner against whom there is an
allegation that he has committed rape with the informant who is
alleged to be major and further threatened not to disclose
anything to anyone.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel



also submits that the informant and the petitioner are cousin and partition took place between the families of the informant and the petitioner. Counsel further submits that both families are *gotia* and due to dispute between them, the petitioner has made accused in this case with a view to teach him a lesson.

5. Learned counsel for the petitioner submits that vide Annexure- 3 and 4 series as well as by the certificate attached of Sarpanch, the petitioner tried to show the reason due to which the occurrence took place. Counsel also submits that the antecedent of the petitioner is clean and he is in custody since 05.06.2023 and the charge-sheet has already been submitted in this case.

6. Learned counsel for the informant vehemently opposes the prayer for the bail of the petitioner and submits that the statement of the FIR has been fully supported by the informant in the statement under section 161 Cr.P.C. and as well as statement under section 164 Cr.P.C. which is acknowledged by the order rejecting bail of the petitioner and therefore, counsel for the informant requests that bail of the petitioner should be rejected.

7. It transpires to this Court that vide order no. 2 dated 11.10.2023, case diary has been called for and in the case diary,



the medical report has been attached.

8. Learned APP for the State submits that the alleged occurrence was said to be take place on 02.06.2023 and medical of the alleged victim girl has been made on 03.06.2023. In the medical report there is no sign of recent intercourse at the time of examination and all the allegations made in the FIR and statement u/s 161 Cr.P.C. or statement u/s 164 Cr.P.C. are not in support of the medical report.

9. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Madhepura in connection with Shankarpur P.S. Case No. 92 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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