

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67795 of 2022

Arising Out of PS. Case No.-117 Year-2020 Thana- RAJEPUR District- East Champaran

SINHASAN PRASAD Son of Yogi Prasad R/V- Arya Nagar Ayini, P.S-
Rajepur, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-03-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 363, 376 and 34 of the Indian Penal Code.

The petitioner is alleged to have kidnapped the
informant and committed rape upon her and also made vulgar
video and photograph.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that it appears from the F.I.R, the
occurrence is alleged to have been committed on 26.06.2020
whereas the present F.I.R. has been registered on 17.09.2020
after lapse of 81 days without explaining the delay. It is the
specific case of the petitioner that for the same set of facts, earlier



Rajepur P.S. Case No. 81 of 2020 was lodged by the father of the informant against the petitioner and other in which the petitioner has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 05.05.2022 passed in Cr. Misc. No.59041 of 2021. He further submits that for the same set of facts as narrated in the Rajepur P.S. Case No. 81 of 2020, present F.I.R. has been registered against the petitioner by the informant which is not permissible. He further submits that statement of the victim under Section 164 Cr.P.C. has been recorded earlier, in which she has categorically stated that she was having love affairs with the co-accused, Dilip Kumar and she has not whispered even a single word against the petitioner. The petitioner has not played any role in the alleged occurrence. The petitioner is rotting in judicial custody since 19.08.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below where the case is pending in connection with Rajepur P.S. Case No. 117 of 2020 with the following conditions:-

(1) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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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