

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.75351 of 2023**

Arising Out of PS. Case No.-345 Year-2023 Thana- SARAIYA District- Muzaffarpur

Mukesh Kumar @ Mukesh Paswan Son Of Late Sudhu Paswan Resident Of  
Village - Atraulia, Ps- Saraiya, Distt- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.Binod Kumar

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

3      20-12-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 376D of the Indian Penal Code.

3. As per prosecution case, the petitioner as well as co-accused are said to have committed rape with the victim who is informant of this case. They also threatened the victim.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The alleged date of occurrence is 2.6.2023 whereas the FIR was lodged on 6.6.2023 after four days of occurrence without explaining the reasons of delay. The victim is major and married lady who implicated the



petitioner in false and fabricated case. The main reason of lodging the FIR is a land dispute between the parties. It is also submitted that the victim/informant denied for medical examination which creates doubt on authenticity of the prosecution. Moreover, the petitioner is languishing in judicial custody since 7.6.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the victim stated in her statement that the petitioner along with one Ashok Rai committed rape with her.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Saraiya P.S. Case No. 345 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-IV, Muzaffarpur (West).

**(Sunil Kumar Panwar, J)**

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