

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73445 of 2022

Arising Out of PS. Case No.-191 Year-2021 Thana- BEUR District- Patna

RAKESH KUMAR @ CHHOTU Son of Sri Deenanath Yadav Resident of
Beteura, P.S.- Beur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate
	:	Mr.Lakshmi Kant Sharma, Advocate
For the Opposite Party/s	:	Mr.Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-04-2023 Heard Mr. Ramakant Sharma, learned senior counsel
appearing for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
14.09.2022 in connection with Beur P.S. Case No. 191 of 2021,
F.I.R. dated 14.04.2021 registered for the offence punishable
under Sections 341,323,376,504,506/34 of IPC.

Allegation against the petitioner is that he committed
rape upon the victim.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent and he has falsely been
implicated in the present case. Further submits that the
allegation as alleged in the FIR is false and fabricated. No such
occurrence had taken place and it has come during investigation



in para-16 of the case diary that the witness, who is sister-in-law of the informant (Gotani), has categorically stated that no such occurrence had taken place and informant was with her in whole night and allegation as alleged in the FIR is false and medical report of the victim also not supported the allegation as alleged in the FIR and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 14.09.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid fact, let the petitioner, above named, 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 Judicial Magistrate, 1st Class, Patna in connection with Beur P.S. Case No. 191 of 2021, 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 cancelled 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.

(3) 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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