

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11112 of 2024

Arising Out of PS. Case No.-565 Year-2023 Thana- MUFFASIL District- West Champaran

Rahul Kumar @ Rahul Bin Son Of Pannalal Bin R/V-Rani Pakri Ghuraua,
Ward No. 43, P.S.-Bettiah Muffasil, Distt.-West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shatrughna Pandey, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 18-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Bettiah Muffasil P.S. Case No.565 of 2023, lodged on
27.08.2023, under Sections 376/506 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against
the sole petitioner against whom allegation of commission of
rape on the informant is there.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The
petitioner is in custody since 04.09.2023 and is accused in one
more criminal case, in which he is on bail. Counsel submits that
on the previous occasion this Court had called for the case-diary
and statement of the victim recorded under Section 164 Cr.P.C.



Counsel submits that due to village politics petitioner has falsely been implicated in this case.

5. Learned counsel for the State opposes the prayer for bail and submits that case-diary and statement under Section 164 Cr.P.C. have been received in which the informant has fully supported the version of the FIR in her statement under Section 164 Cr.P.C. The medical report has been attached in this case. From the medical report it transpires that no internal and external injury was found on the private part and in the opinion of the doctor there was no recent sign of sexual assault whereas date of filing of FIR is 27.08.2023 and medical report is prepared on the very next day.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only after framing of the charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Bettiah Muffasil P.S. Case No.565 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other 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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