

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12075 of 2024

Arising Out of PS. Case No.-159 Year-2022 Thana- TANKUPPA District- Gaya

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AJAY KUMAR S/O- RAM SHARAN YADAV R/O- VILLAGE-
CHAINPUR, P.S.- TANKUPPA, DIST.- GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Ajay Kumar Thakur, Advocate
	Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s :	Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 25-10-2024 Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioner and the State.

2. The petitioner is in judicial custody in connection with Tankuppa P.S. Case No. 159 of 2022 for the offence punishable under Sections 366A, 376/34 of the Indian Penal Code and section 4/6 of the POSCO Act lodged on 24.11.2022 by the informant, Shivnandan Yadav.

3. As per the prosecution story, the informant alleged that his daughter 'X' went to the field and when she did not return, they started searching and later came to know that this petitioner has taken her away for the purpose of marriage. When confronted, the family members abused. Accordingly, the FIR.

4. The statement of the victim girl is that she was



taken by four persons including the petitioner and he committed rape. Where the case of the petitioner as narrated by learned counsel is that his family was pressurizing for the marriage and upon refusal, the present case has been lodged.

5. The FSL report was called for earlier and the details of which is incorporated in the order no. 5 dated 13.09.2024 and this Court finds that the report as provided vide memo no. 714 dated 07.06.2024, the rape allegation stands negated. So far as the blood found on the clothes of the girl is concerned, as per the report, it belongs to the girl herself.

6. In that background, a report was called for from the learned trial Court which has now come.

7. As per the letter no. 552 dated 23.09.2024, the cognizance was taken in the matter on 03.04.2024 and charges framed on 16.04.2024 whereafter the summon was issued on 26.04.2024 to the witnesses. As no one appeared bailable warrant was issued on 18.05.2024 followed by non-bailable warrant on 12.09.2024. As per the report, no one appeared till the report dated 23.09.2024 was signed.

8. Learned counsel for the petitioner submits that he has no criminal antecedent and is in custody since 14.07.2023 (paragraph-18 of the petition). It is his further contention that if



extended the relief, he shall ensure his presence on each and every date in the trial i.e. going on against him.

9. Learned APP opposes the prayer for bail submitting that the girl has supported the prosecution story.

10. The prosecution story is there, equally important is the FSL report submitted by the responsible officer, the allegation of rape has been negated, he has already remained in custody since 14.07.2023 and as per the trial Court report, the trial has not even commenced. The petitioner has undertaken to diligently appear in trial and in that background, this Court is inclined to extend him the privilege of bail with strict conditions.

11. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-III, Gaya, in connection with Tankuppa P.S. Case No. 159 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till conclusion of the trial to mark his attendance;

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

(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 his bail bonds.

(Rajiv Roy, J)

Adnan/-

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