

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21545 of 2024

Arising Out of PS. Case No.-817 Year-2023 Thana- MUFFASIL District- West Champaran

Kundan Sharma S/o Kishun Sharma R/o Village - Karnameya, Police station -
Bettiah Muffasil, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai

For the Opposite Party/s : Mr.Abhay Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 02-07-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. In this case, the petitioner is seeking regular bail in connection with Bettiah Muffasil P.S. Case No. 817 of 2023, registered for the offences punishable under Sections 341, 323, 447, 376, 506/34 of the Indian Penal Code.

3. As per allegation, when the informant had gone to answer the nature's call, the petitioner caught hold of her and took her away in a sugarcane field and on the point of knife, he threatened her and committed rape upon her.

4. Learned counsel for the petitioner has submitted that the victim is a major girl and the statement of her cousin and brother have been recorded in paragraph nos. 12 and 13 of



the case diary which shows that the alleged victim was eloping herself with someone. He has further submitted that the independent witnesses in paragraph no. 56 and 57 of the case diary have stated that the brother-in-law (*bahnoi*) of the victim along with two unknown persons assaulted the petitioner and also snatched his chain and threatened to implicate him in false case.

5. On the other hand, learned counsel for the informant has opposed the prayer for bail by submitting that the victim in her statement under Section 164 of the CrPC has fully corroborated the allegation and named the petitioner.

6. The independent witnesses in paragraph nos. 56 and 57 of the case diary have specifically stated that brother-in-law of the alleged victim had assaulted the petitioner and also threatened him to implicate him in false case. The cousin as well as the brother of the victim have also stated in paragraph nos. 12 and 13 of the case diary that they got information of fleeing away of the victim.

7. Considering the above-mentioned facts and circumstances let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs.10,000/- 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. 817 of 2023, subject to the following condition:-

The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Nawneet Kumar Pandey, J)

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