

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23452 of 2024

Arising Out of PS. Case No.-307 Year-2023 Thana- KASBA District- Purnia

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Lalu Kumar Ram @ Lalu Ram @ Lalu Kumar, Male, aged about 24 years,
S/o Singheshwar Ram @ Singheswar, R/o Rasdampur, Ward No. 12, P.S. -
Barahra Kothi, Distt. - Purnea.

... .. Petitioner

Versus

1. The State of Bihar.
2. Sabana Khatoon, D/o Md. Ainul Haque, R/o Kajra, Ward No. 2, P.S. -
Kasba, Distt – Purnea.

... .. Opposite Parties

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Appearance :		
For the Petitioner	:	Mr. Md Fazle Karim, Advocate
For the O.P. No. 2	:	None.
For the State	:	Mr. Uday Pratap Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 09-07-2024 This matter has been listed under the heading ‘For Orders (on office notes)’.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State. None appears on behalf of the opposite party no. 2. Although notice was issued to the opposite party no. 2 and it is evident from the office notes dated 05.07.2024 that ‘as per report of the process server, the opposite party no. 2 has died’.

3. The petitioner seeks bail in connection with Kasba



P.S. Case No. 307 of 2023 dated 29.08.2023 registered for the offences punishable under Sections 376 and 506 of the I.P.C.

4. As per the prosecution case, the petitioner was doing the work of filling-up of soil in the bridge through JCB machine which is situated by the side of the house of the informant for the last three months. In course of that, he used to come to the shop of the informant for purchase of grocery articles. It is further submitted that due to some reason, the construction work of the said bridge was closed and all labourers had gone to their home. It is further alleged that on 28.08.2023 at about 10.30 P.M., suddenly, the petitioner entered the house of the informant and forcibly committed rape on her. On hulla, the villagers came and caught the petitioner. Thereafter, the petitioner threatened the informant.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the informant took friendly loan of Rs. 5,000/- from the petitioner and when the petitioner demanded back his money as the construction work was stopped then she had filed the present false case against the petitioner. The informant was a major and she had also kids. The occurrence took place on 28.08.2023 and the victim was



medically examined on 29.08.2023 although the doctor after medical examination of the victim has opined that there was no sign of rape on the victim. The victim had sexual intercourse in the past. Hence, the medical examination report has not supported the allegation of rape as alleged against the petitioner. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 29.08.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Purnea in connection with Kasba P.S. Case No. 307 of 2023 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are



liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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