

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24949 of 2024

Arising Out of PS. Case No.-354 Year-2023 Thana- MADHUBAN District- East Champaran

Ranjit Kumar, Male, aged about 22 years, Son of Lalbabu Ram, Resident of Village -Saraiya, Post Office-Tetaria, Police Station-Rajepur, District- East Champaran (Bihar)

... .. Petitioner

Versus

1. The State of Bihar.
2. Sarswati Devi, Female, W/o Rajdeo Chaudhary, R/o Village-Kothiya, P.S.- Madhuban, District-East Champaran (Bihar).
3. Asha Kumari, Female, D/O Saraswati Devi, Resident of Village-Kothiya, P.S. Madhuban, District-East Champaran.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Aklavya Chandan Kumar, Advocate
For the O.P. Nos. 2 to 3	:	Mr. Rahul Raj, Advocate
For the State	:	Mrs. Pushpa Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 23-07-2024 This matter has been listed under the heading ‘For Orders (on office notes)’.

2. Learned counsel for the petitioner is permitted to add the victim as the opposite party no. 3, in course of the day.

3. Heard learned counsels for the parties.

4. The petitioner seeks bail in connection with Madhuban P.S. Case No. 354 of 2023 dated 23.07.2023 registered for the offences punishable under Sections 363, 366A and 376/34 of the I.P.C.

5. As per the prosecution case, on 20.07.2023 at about



2.00 P.M., the petitioner and the co-accused persons came to the *darwaza* of the informant on a vehicle and thereafter the petitioner entered the room of the informant's daughter and committed rape on her on the point of arms. On hulla, the informant and others came, in the meantime, the co-accused Lal Babu Ram pointed pistol on the informant and threatened to kill her then the co-accused Vishundeo Ram undressed her by removing her saree, the co-accused Amarjeet Kumar tore the cloth of her daughter due to which she also undressed. It is further alleged that thereafter the co-accused Bachhi Devi sat the informant's daughter in the vehicle and fled away.

6. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there was love affair between the petitioner and the victim. The victim in her statement recorded under Section 164 of the Cr.P.C., has stated that since the year 2022 she met the petitioner and she fell in love with him and when her father knew this fact then he wanted to get her married with an old man and due to this reason on 20.07.2023 she went to Rajasthan with the petitioner and performed marriage with him. It is further submitted that the victim also gave birth to a male child. She was not forced to have illicit relation with



another person. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 23.09.2023.

7. Learned A.P.P. for the State and learned counsel for the opposite party nos. 2 and 3 have not controverted the submissions made on behalf of the petitioner. Learned counsel for the opposite party nos. 2 and 3 have further submitted that they 3 have no objection as the victim is residing in the house of the petitioner i.e., matrimonial house and she also gave birth to a male child.

8. 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 J.M.F.C., East Champaran at Motihari in connection with Madhuban P.S. Case No. 354 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.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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