

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25313 of 2024

Arising Out of PS. Case No.-283 Year-2022 Thana- BARSOI District- Katihar

Pratap Kumar Das @ Pratap Das Son of Bhawesh Das, Resident of Village-
Kelabari, Police Station- Barsoi (Kanchna O.P.), Dist.- Katihar.

... .. Petitioner

Versus

1. The State of Bihar.
2. Reena Devi Wife of Atul Das, Resident of Kelabari, P.S.- Barsoi (Kanchana O.P.), Dist.- Katihar.

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ajit Kumar Singh, Advocate
For the Opposite Party	:	Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 02-08-2024 Heard Mr. Ajit Kumar Singh, the learned counsel
for the petitioner, the learned counsel for the complainant /
informant and Mr. Lalan Kumar, the learned Additional Public
Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
22.11.2023, in connection with Barsoi P.S. Case No. 283 of
2022, FIR dated 16.10.2022, registered for the offences
punishable under Sections 366, 120(B), 387, 376 and 323 read
with Section 34 of the Indian Penal Code.

3. Earlier the petitioner has moved before this
Hon'ble Court in Cr. Misc. No. 16951 of 2023, which was
rejected vide order dated 10.10.2023.



4. According to the prosecution case, the accused persons used to quarrel with the complainant / informant every so often. It is further alleged that one of the co-accused person administered the complainant / informant spiked tea due to which she fell unconscious and then she was taken to Purnea and thereafter she was again shifted to Ludhiana, where the petitioner committed rape upon her. It is further alleged that when the husband of the complainant / informant asked the accused persons about his wife, they verbally abused him and threatened him with dire consequences.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that petitioner has been implicated in the present case due to admitted land dispute between the parties and the complainant / informant is sister-in-law of the petitioner.

6. Vide order dated 19.04.2024, a report was called for with regard to the stage of the trial and report dated 04.07.2024 of the learned trial Court reveals that charge has been framed against the petitioner and other co-accused persons



on 12.06.2024 and the case is pending for the examination of the prosecution witnesses.

7. Learned counsel for the petitioner submits that in view of the report of the learned trial Court, there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 22.11.2023.

8. The learned counsel for the complainant / informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

9. Considering the aforesaid facts and circumstances, the nature of allegation levelled in the FIR as well as the report of the learned trial Court, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Katihar in Barsoi, in connection with **Barsoi P.S. Case No. 283 of 2022**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two



consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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