

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33339 of 2024

Arising Out of PS. Case No.-712 Year-2023 Thana- CHAPRA MUFFASIL District- Saran

Ramayan Rai Son of Sukdeo Rai Resident of village -Nandlal Chapra, P.S. -
Chapra Muffasil, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 31-07-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Muffasil P.S. Case No. 712 of 2023, giving rise to Sessions Trial No. 255 of 2024, registered for the offence punishable under Sections 363 and 365 of the Indian Penal Codea and later on Section 376 of the Indian Penal Code was added.

3. Based upon the written report, the prosecution alleges that the mother of the informant was found missing since 05.09.2023. However, she did not return till 08.09.2023 and, as such, the FIR has been instituted suspecting the involvement of the petitioner, who had always been remain in touch with his mother on mobile.



4. Learned Advocate for the petitioner contended that the name of the petitioner has been implicated in this case only on account of the call details of the mobile, which suggest that the petitioner was in talking term with the mother of the informant. The FIR clearly narrates that the mother of the informant was found missing since 05.09.2023, but surprisingly, the present FIR has been instituted on 09.09.2023. It is next contended that during the course of investigation, the victim was recovered from her house and her statement was recorded under Section 164 of the Cr.P.C., wherein, she has stated that when she went to attend the call of nature, in the meantime, this petitioner abducted her and taken to a rented accommodation where he committed rape upon her. Referring to the statement of the victim, learned Advocate for the petitioner contended that the entire story appears to be absurd and not trustworthy for the simple reason that she remained with the petitioner for three days, but she never raised any *halla* and cry for help. This clearly suggest that both the parties were voluntarily left the home, but later on, on account of some societal pressure, this FIR has been instituted. The medical report also does not corroborates the allegation of commission of rape. It is also contended that the petitioner has been incarcerated since



09.11.2023 and now the charges have been framed.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the specific allegation has been levelled against the petitioner that he committed rape upon the victim.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR as well as the fact that both the petitioner and the victim were knowing to each other and the statement of the victim does not inspire confidence, coupled with the fact that the charges have been framed, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional 1st Additional Session Judge, Saran at Chapra in connection with Muffasil P.S. Case No. 712 of 2023, giving rise to Sessions Trial No. 255 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below 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 court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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