

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38650 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- BELCHHI District- Patna

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Sadan Ram @ Sadhan Ram Son Of Chhotan Ram Resident Of Village -
Ekdanga, P.S. - Belchhi, District - Patna

... .. Petitioner/s

Versus

- 1. The State Of Bihar
- 2. Kusum Devi Wife Of Late Madan Ram Resident Of Village - Ekdanga, P.S.
- Belchhi, District - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat,A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Belchhi P.S. Case No. 09 of 2024 registered on 12.01.2024 for the alleged offences under Section 376, 323, 341 and 315 of the Indian Penal Code.

03. As per prosecution case, prior to 25-30 years of the lodging of the complaint petition by the informant, it has been alleged that petitioner committed rape with the informant. Thereafter giving various inducements, the petitioner continued to rape the informant time and again. When the informant became pregnant her pregnancy was aborted and in this manner the petitioner continued to sexually exploit the informant and

continued his illicit relationship with her. Further, allegation against the petitioner is that in year 2022, the petitioner drove her out from his house.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The whole prosecution story is not believable. It is not believable that the informant was being raped for the last 20-30 years and she did not whisper a word and did not make any complaint. In fact the informant used to stay in the house of the petitioner and when she was asked to vacate the house and the outstanding rent was demanded from her, she filed this false case against the petitioner. The informant is not a lady of good character and she wants to marry the petitioner and this false case was also lodged for pressurizing the petitioner. There has been no medical examination of the informant. The petitioner is having clean antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the improbable nature of allegation and possibility of false accusation, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of

Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned S.D.J.M., Barh, Patna in connection with Belchhi P.S. Case No. 09 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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