

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38194 of 2024

Arising Out of PS. Case No.-501 Year-2023 Thana- KHAGARIA District- Khagaria

Rahul Yadav @ Rahul Kumar SON OF CHANDRA SHEKHAR YADAV
Vill- Ghurmuri Bishanpur PS -Muffassil Distt -Khagari

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. RANJAN DEVI WIFE OF SANVIR YADAV Vill- Ghurmuri Bishanpur, ward no. 8 PS -Muffassil Distt -khagari

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr.Jyoti Ranjan Jha, Adv.
For the informant	:	Mr. Satish Chandra, Adv. Mrs. Jyoti Kumari, Adv.
For the Opposite Party/s	:	Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 11-09-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Khagaria (Muffasil) P.S. Case No. 501 of 2023 dated 18.05.2023 registered for the offences punishable u/ss 376, 448, 506 of the Indian Penal Code.

3. As per the prosecution case, when the informant was at her house, the petitioner came forcibly and took her inside the room and started committing rape on her. On hulla, the informant's son woke up then the petitioner also assaulted



him and threatened to kill him. When villagers gather there, the petitioner took the informant in his uncle's house and locked her in a room. On being asked, the informant's son informed the villagers about the incident. The villagers caught the petitioner on the spot.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The occurrence took place on 15.05.2023 but the F.I.R. was lodged on 18.05.2023 without any explanation. It is further submitted that the petitioner has no concern of the alleged offence because the petitioner is the nephew and the neighbour of the informant and a quarrel took place for partition between the informant and the mother of the petitioner. Learned counsel has further submitted that the informant is aged about 28 years and the mother of the three children and as per the medical report, there is no sign of rape and no injury was found on the victim. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 26.06.2023.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner.



6. 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 Court concerned, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 501 of 2023 with the 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 bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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