

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40022 of 2024

Arising Out of PS. Case No.-157 Year-2023 Thana- SIMRA District- West Champaran

Arjun Uraon Son of Rajendra Uraon Resident of Village -Sherwa, P.S.-
Chiutaha, District -West Champaran. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharad Kumar Verma, Advocate

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-10-2024 Heard Mr.Sharad Kumar Verma, learned counsel for the petitioner, learned counsel for the informant and Mr.Umesh Lal Verma, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Semra P.S.Case No.157 of 2023,FIR dated 22.12.2023 registered for the offences punishable under Sections 366A,376,323,504 of IPC.

3. Allegation against the petitioner is that he gave intoxicated material in the water and committed rape with the informant and made video of the rape and also gave threat to make viral the same which was any how deleted by the informant.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that from a bare perusal of



the FIR/complaint petition it appears that the date of occurrence as alleged in the FIR is 16.12.2020 and the last scene of occurrence arose on 11.06.2023 but the present complaint has been institution on 22.12.2023 after delay of three years of the alleged occurrence without giving any explanation of delay. Further submits that the statement of the victim was recorded under Section 164 Cr.P.C. which suggests that although the petitioner had made the physical relation with the complainant but the same was with the consent of the complainant and it has also come during investigation that the complainant was major.

5. Learned A.P.P. for the State and learned counsel for the informant/complainant have vehemently opposed the prayer for anticipatory bail of the petitioner and submits that on the pretext of marriage the petitioner has made physical relation with the informant/complainant.

6. Considering the aforesaid facts and petitioner has clean antecedent, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bagaha, West Champaran



in connection with Semra P.S.Case No.157 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(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 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/her criminal antecedent, the court below 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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