

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40380 of 2024

Arising Out of PS. Case No.-21 Year-2023 Thana- MAHILA THANA District- Begusarai

Shashi Kumar @ Shashi @ Shashi Kumar Roy Son of Sahdev Rai Resident of
Village - Dariyapur, Ward No.- 4, P.S.- Nayagaon, District - Begusarai (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivnandan Bharti, Advocate

For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Begusarai Mahila P.S. Case No. 21 of 2023, registered on 14.07.2023 for the offences under Sections 376, 120B of the Indian Penal Code.

3. As per prosecution case, the petitioner committed rape with the complainant/informant after entering into her house.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The narration of story by the complainant-informant is highly improbable and doubtful for a case against the petitioner. There is dispute between the parties and present case has been



lodged after much delay. The alleged occurrence took place on 01.05.2023 whereas the complaint has been filed on 18.05.2023 without any explanation. Learned counsel further submits that except for the allegation made against the petitioner there is no cogent material. Even the police after investigation submitted charge sheet under Sections 341, 323, 354B/34 of the Indian Penal Code against the petitioner and other co-accused persons. The petitioner is a Constable in I.T.B.P. and the false implication might ruin his carrier. Though there is allegation of sexual assault but there is no material on record or any medical report to substantiate the allegation. The petitioner is a man of clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that there is direct allegation of most serious nature against the petitioner for committing rape with the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the submission of charge sheet under Section 354B and other minor offences of the IPC which shows doubtful nature of allegation of rape and further considering the absence of any medical report and also possibility of false implication, 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 bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned SDJM, Begusarai/concerned court in connection with Begusarai Mahila P.S. Case No. 21 of 2023, subject to the condition as 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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