

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48182 of 2024**

Arising Out of PS. Case No.-69 Year-2023 Thana- MAHILA P.S. District- Samastipur

RAJESH KUMAR SON OF BIPAT DAS @ VIPAT DAS VILLAGE-  
CHAND CHAUR, MATHURAPUR, P.S.- UJIYARPUR, DISTT.-  
SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rohit Raj

For the Opposite Party/s : Mr. Md. Fahimuddin  
Mr. Dilip Kumar Roy

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

4      04-10-2024      Heard learned counsel for the petitioner, learned counsel

for the informant and learned A.P.P. for the State.

2.      The petitioner seeks bail in connection with a case registered for the offence punishable u/s 376, 341, 323, 354(B), 504, 506, 34 of the IPC.

3.      As per the prosecution case, petitioner made physical relation with the informant several times on the pretext of marriage and later on married another girl. It is alleged that the petitioner went to the house of the informant and dragged her to a maize field and tried to commit rape upon her.

4.      It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He has been falsely implicated in this case



due to enmity. There is general and omnibus allegation against the petitioner. There is no specific overt act against the petitioner and the victim is a major. The petitioner has no criminal antecedent and is in judicial custody since 23.04.2024.

5. Learned counsel for the petitioner relied upon the judgment of the Apex Court passed in *Ansaar Mohammad vs. The State of Rajasthan & Anr. (Criminal Appeal No.962 of 2022)*.

6. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail.

7. Considering the facts and circumstances of this case and the period of custody, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/the Successor Court, in connection with Samastipur Mahila P.S. Case No.69 of 2023, subject to the following conditions:

(i) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.



(ii) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(iii) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(v) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

**(Anjani Kumar Sharan, J)**

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