

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59775 of 2024**

Arising Out of PS. Case No.-145 Year-2024 Thana- HARSIDHI District- East Champaran

Rakesh Kumar, S/O Bigu Mahto, R/O Village-Urarpur, ward No. 10, P.S-  
Harsidhi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      28-08-2024                      Heard learned Advocate appearing on behalf of the  
  
petitioner and the learned Additional Public Prosecutor for the  
  
State.

2. The application for grant of bail to the petitioner  
who is in custody in connection with Harsidhi P.S. Case No. 145  
of 2024 registered for the offence punishable under Section 376  
of the Indian Penal Code.

3. Based upon a complaint, the FIR has been  
instituted alleging therein that on 14.02.2024 while the  
complainant was sleeping in her room, in the mean while, the  
petitioner entered in her room and committed rape upon her.  
When the victim made protest, she was threatened with dire  
consequences of killing her young child. On halla when the  
family member came there, the petitioner succeeded in fleeing



away.

4. Learned Advocate appearing on behalf of the petitioner drawing the attention of the FIR submitted that with regard to an occurrence which is said to have taken place on 14.02.2024, the complaint has been filed on 21.02.2024, which is later on sent to the concerned police station under Section 156(3) and the FIR has been instituted. The delay in filing the complaint had not been explained, nor the victim was subjected to any medical examination. A legal notice has been caused to be served upon the informant on 13.02.2024, wherein a demand of Rs. 4,00,000/-, which is said to have taken by the informant, has been made. Adverting to the aforesaid facts, learned Advocate thus submitted that the present case is nothing but only in order to settle the score and to usurp the aforesaid money. It is lastly contended that the petitioner is a man of fair antecedent and he undertakes before this Court that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposed the bail application and submits that the impugned order suggests that the victim-informant has supported the allegation leveled in the complaint



even in her statement recorded under Section 164 Code of Criminal Procedure.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR, as well as, the legal notice caused to be served upon the informant prior to the filing of the compliant, coupled with the fair antecedent and the fact that investigation of the crime is complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Court of Chief Judicial Magistrate in connection with Harsidhi P.S. Case No. 145 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be



cancelled.

(v) 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 criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

**(Harish Kumar, J)**

supratim/-

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