

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63232 of 2024

Arising Out of PS. Case No.-229 Year-2023 Thana- MINAPUR District- Muzaffarpur

Sujit Kumar @ Sujit Rai, Son of Jhapsi Rai, Resident of Village - Mothaha,
P.S.- Minapur, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Bipin Chandra

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 20-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Minapur P.S. Case No. 229 of 2023, dated 09.06.2023, instituted
under Sections 376, 120(B), 506/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on
07.06.2023 at 6 pm, petitioner and other co-accused, namely,
Sudama Devi, took the informant to her house and gave her tea
mixed with some intoxicated substances. After taking tea, the
informant became unconscious. When she got consciousness,
she found herself disrobed and blood was oozing from her
private part, and also her clothes were smeared with blood. It is
alleged that other co-accused persons, namely, Dhiraj Rai, Sujit
Rai and Sudhir Rai with the help of co-accused, Sudama Devi,



have committed sexual assault with the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. The present F.I.R. has been lodged on 09.06.2023, i.e., after delay of two days without any plausible explanation of delay. Learned counsel for the petitioner further submits that the present case has been lodged on the instigation of her sister and brother-in-law, as there was enmity going on between the petitioner and sister of the informant as well as her brother-in-law. Learned counsel for the petitioner further submits that the marriage of the informant was earlier performed with some one else, but subsequently, the said marriage was terminated. Thereafter, the informant's side wanted to get marry the informant with co-accused, Sudhir Rai, against his will but the same was denied by the petitioner's side, as a result, this case has been lodged. Learned counsel for the petitioner next submits that during medical examination of the informant, the doctor did not find any external injury on the body. It is also submitted that there is no specific allegation against the petitioner in the statement recorded under Section 164 Cr.P.C. of the victim and it is also submitted that the main allegation is levelled against the co-accused, Sudama Devi. It is also



submitted that the informant and the accused persons filed a joint compromise petition before the Judicial Magistrate, Ist Class and stated that the parties do not want to proceed with this case any further. Petitioner is in custody since 22.06.2024 and has no criminal antecedent.

5. On the other hand, learned counsel for the State vehemently opposed the prayer for bail of the petitioner and submits that the victim in her statement recorded under Section 164 Cr.P.C. has also supported the prosecution case and specifically named this petitioner and other accused persons, who committed rape.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the petitioner, named above, be released on bail upon furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Ist Class, Muzaffarpur (East), in connection with Minapur P.S. Case No. 229 of 2023.

7. The applications stands allowed.

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(Khatim Reza, J)

