

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62584 of 2024

Arising Out of PS. Case No.-295 Year-2009 Thana- SONEPUR District- Saran

Amit Kumar @ Chhotu son of Anant Ram, Resident of T.N. Banerji Ghat,
PMCH, PS -Pirbahore, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-10-2024 Heard Mr. Vikash Kumar Jha, the learned counsel
for the petitioner and Mr. Anil Kumar, the learned Additional
Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
25.01.2023, in connection with Sonepur P.S. Case No. 295 of
2009, FIR dated 19.11.2009, registered for the offence
punishable under Section 376 read with Section 34 of the Indian
Penal Code.

3. Earlier the petitioner has moved before this
Hon'ble Court in Cr. Misc. No. 41990 of 2023, which was
rejected vide order dated 10.08.2023, thereafter, the petitioner
has again moved before this Hon'ble Court in Cr. Misc. No.
9542 of 2024, which was dismissed as withdrawn with a liberty
to the petitioner to move before the learned trial Court.



4. According to the prosecution case, the petitioner along with co-accused persons committed rape upon the informant and also threatened her with dire consequences.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that charge has been framed against the petitioner on 02.05.2023 for the offence punishable under Section 376(2)(G) of the Indian Penal Code and despite issuing of summons and two processes against the prosecution witnesses, no prosecution witnesses have turned up as yet. He further submits that the co-accused person namely, Ravi Kumar, against whom there is similar nature of allegation, and who has faced the trial in Session Trial No. 144 of 2010, has been acquitted by the learned trial Court vide order / judgment dated 21.07.2015 in the aforesaid STR No. 144 of 2010 arising out of Sonapur Police Station Case No. 295 of 2009.

6. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that in the statement of victim recorded under Section 161 of the Cr.P.C., she has firmly stated



that petitioner has committed rape upon her. Apart from that, petitioner was awaiting his arrest since 2009 and he has surrendered on 25.01.2023.

7. Considering the aforesaid facts and circumstances and as well as the report of the learned trial Court, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Saran at Chapra, in connection with **Sonepur P.S. Case No. 295 of 2009**, subject to the following conditions:

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

(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 learned trial Court 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 learned trial Court 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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