

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62379 of 2023

Arising Out of PS. Case No.-18 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

SUBODH SINGH S/o ISHWAR SINGH VILLAGE- BAHADURPUR
PATORI, PS- PATORI, DIST- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 29-02-2024 Heard Mr. Pankaj Kumar, learned counsel appearing on behalf of the petitioner and Mr. Ram Bilash Roy Raman, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Patori P.S. Case No. 18 of 2023 registered for the offence punishable under Sections 377, 511, 323, 504 and 120B of the Indian Penal Code.

3. Prosecution story, in brief, is that F.I.R. has been lodged on 07.01.2023 under Section 156(3) Cr.P.C. on the basis of the complaint dated 29.01.2014 which was registered on the basis of the statement of the father of the victim wherein he has alleged that on 26.12.2013 when he had gone outside leaving his minor children at home, the petitioner molested and committed rape on her minor daughter.

4. Learned counsel appearing on behalf of the



petitioner on the merits of the case submitted that the petitioner had given a loan of Rs.2000/- to the complainant but the complainant refused to return back and to pressurize the petitioner, he has filed a false complaint against him. He further submitted that the statement of the victim under Section 164 Cr.P.C. has not been recorded, as such, in absence of any witness, the allegation against the petitioner cannot be sustained. However, learned counsel for the petitioner submitted that to buy peace of mind, the petitioner is still ready to forego the said amount.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail and submitted that the petitioner don't deserve to be released on bail as specific allegation against the petitioner is of committing rape upon the minor daughter of the informant.

6. Having heard the rival submissions made on behalf of the parties, it has been submitted on behalf of the petitioner that the complaint has been lodged by the complainant to avoid making payment of Rs.2000/- which he had borrowed from the petitioner. It is admitted that the petitioner to sustain his livelihood used to work as rickshaw puller on the alleged date and time of the commission of the alleged offence. The District



Court even considering the age of the victim has not proceeded to record the statement of the victim under Section 164 Cr.P.C. and in absence of the allegation to have been substantiated by the victim, I am of the opinion that the petitioner has made out a case to be released on pre-arrest bail.

7. The petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Samastipur in connection with Patori P.S. Case No. 18 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. Trial Court must conclude the trial within a period of six weeks taking into consideration the seriousness of the offence alleged against the petitioner.

9. Any observation made in this order shall not prejudice the trial in any manner.

10. The bail application stands disposed of.

(Purnendu Singh, J)

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