

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68178 of 2024

Arising Out of PS. Case No.-283 Year-2023 Thana- PARAIYA District- Gaya

Prince Kumar @ Prince Raj S/O Kanchan Singh @ Kanchan Kumar R/O
Village- Puna Kala, P.S- Paraiya, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Paraiya P.S. Case No. 283 of 2023, registered for the offences under Sections 376 & 506 of the Indian Penal Code.

3. As per the prosecution case, petitioner entered into the house of the informant in night and concealed himself in a straw room and committed rape with informant in the night. The petitioner also threatened the informant with life of her husband and children and also showed informant her obscene video which he previously recorded while administering injection to the informant. On alarm being raised, the husband of the informant came and the petitioner fled away from the spot.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR it is apparent that the date of occurrence is 21.07.2023 whereas the information was given to the police on 23.07.2023 without any valid explanation for the delay. From the FIR it is also apparent that the other family members of the informant were also present in the house and the allegation does not seem probable. It also seems strange that the informant was knowing about petitioner concealing himself in one of the rooms of the house but the informant did not give this information to anybody for the reasons best known to her. Learned counsel further submits that allegation of showing indecent video is baseless. There is political rivalry between the two families and for this reason the present false case might have been lodged. Learned counsel further submits that the medical report shows the informant received beating in the hands of her husband and no recent sign of sexual intercourse was found. The petitioner is in custody since 05.06.2024 and charge sheet has been submitted against the petitioner who is having no criminal antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P.



submits that the informant in her statement recorded under Section 164 of the Code of Criminal Procedure has stated about petitioner forcibly making sexual relationship with the informant. The petitioner also made obscene photograph of the informant.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the probability of false accusation in the light of the incoherent statement of the informant and also considering the clean antecedent of the petitioner along with period of custody of the petitioner and submission of charge sheet against the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned J.M.F.C., Gaya/concerned court, in connection with Paraiya P.S. Case No. 283 of 2023, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the below, if



so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

anuradha/-

U		T	
---	--	---	--

