

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67635 of 2024

Arising Out of PS. Case No.-154 Year-2024 Thana- PALASI District- Araria

Md. Mangna Alam @ Raju Babu, Son of Jakir Resident of village - Dighli
Ward No .- 03, P.S.- Palasi, District-Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ramesh Kumar Singh
For the Opposite Party/s :	Mr. Ram Bilash Roy Raman
	Mr. Arun Kumar Shekhar
	Mr. Arvind Kumar
	Mr. Nishant Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-12-2024 1. Heard learned counsel for the petitioner, the
learned counsel appearing on behalf of the informant and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Section 376(D) of the Indian Penal Code.

3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 23.04.2024, she had gone to attend nature's call in a bamboo clump near her house where petitioner along with two other accused were present from before. Thereafter, petitioner caught her and took her to a nearby maize



field and forcibly raped her along with two other accused after tying her hands and legs. Further, on account of the occurrence the informant became unconscious and her family found her in the field while searching.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that though in the FIR, it is alleged that petitioner along with two others raped her in turn on account of which, she became unconscious and later was found by her family members, but then, from perusal of her statement recorded under Section 164 Cr.P.C., it would manifest that the same belies the allegation of rape as alleged in the FIR. It is further submitted that the informant in her statement recorded under Section 164 has not even remotely suggested that she was raped by the accused persons. It is also submitted that even the medical report does not corroborate rape. It is next submitted that the informant in her statement recorded under Section 164 Cr.P.C. has stated that earlier the petitioner had acted inappropriately with her on account of which, there was a *Panchayati* and she received Rs. One Lac. It is thus submitted that in order to extort money, the instant false case came to be instituted.



5. Learned A.P.P. as well as the learned counsel appearing on behalf of the informant opposes the anticipatory bail application, but then, they fairly submit that from perusal of the statement of the victim recorded under Section 164 of the Cr.P.C., it would manifest that she has not alleged that any rape was committed.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his 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 Sri Skand Raj, the learned Judicial Magistrate, 1st Class, Araria in connection with Palasi P. S. Case No.154 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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