

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68278 of 2024

Arising Out of PS. Case No.-469 Year-2024 Thana- JAMUI District- Jamui

Suryakant Jha Son of Chandrakant Jha R/o Village- Satgama, P.S.- Jamui,
District- Jamui, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Piyush Tiwari, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 22-11-2024 1. Heard learned counsel for the petitioner and Mr. Chandra Bhushan Prasad learned A.P.P. for the State.
2. The petitioner seeks bail in a case registered for the offences punishable under Sections 70(1), 61(2) and 123 of the Bharatiya Nyaya Sanhita, 2023.
3. Learned counsel for the petitioner submits that petitioner has antecedent of one case but then the said case is a complaint case under Sections 341 and 504 of the Indian Penal Code. It is submitted that the informant alleges that she was known to Deepa and on her request she had come to Jamui on 16.07.2024 for doing catering work with Pinki, an acquaintance of Deepa. Further, Habla, having mobile No. 7980299416, who was known to Deepa from before had brought her from Howrah to Jamui. Further, Habla on reaching Jamui took her to Baba Hotel where Pinki and Roushan were present from before.



Further, the informant was taken to a room on direction of the owner of Baba Hotel near a Hanuman temple, thereafter on 17.07.2024, Pinki and Roushan took her to Baba Hotel where three persons in turn raped her whom she can identify. Further, the said occurrence was committed with her till 23.07.2024 by different persons. It is next alleged that Pinki and Roushan on 23.07.2024 after intoxicating the informant brought to Jamui Railway Station, as such, she was not in her senses and when she regained consciousness on 24.07.2024 at 10:00 a.m. she found herself in Sadar Hospital, Deoghar, where police was also present and her medical checkup was conducted and thereafter she was brought to Rail PS, Jasidih where Pinki was also present, thus, alleges that in the crime Habla, Deepa, Pinki, Roushan and brother of Roushan Mukhiya are involved.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case during the course of investigation and is not named in the FIR. It is further submitted that petitioner is the owner of Baba Hotel. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant clearly alleges that when she reached Baba Hotel, Pinki and Roushan were present there from before and on direction of the owner of the hotel, she



was taken to a room near a Hanuman Temple, as such, the informant was aware of the identity of the owner of the hotel but then she does not allege in the FIR that she was also raped by him.

5. Learned counsel for the petitioner submits that petitioner is in custody since 26.07.2024 and charges against the petitioner have been framed on 13.11.2024. It is further submitted that petitioner is a businessman and will not abscond rather will cooperate in the trial.

6. Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner but then is not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioner that petitioner is not named in the FIR and from the allegation in the FIR, it manifests that the informant was aware of the identity of the petitioner but then has not alleged that he also committed the occurrence.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Jamui P.S.



Case No. 469 of 2024.

8. However, if the learned trial court comes to a conclusion that petitioner, after his release on bail, is trying to delay the trial of the case in any manner, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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