

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70083 of 2024

Arising Out of PS. Case No.-229 Year-2023 Thana- MINAPUR District- Muzaffarpur

Sudhir kumar @ Sudhir Ray S/O Devendra Ray Resident of village- Mothan
Fakirana, P.S- Minapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Priya, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 27-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Minapur P.S. Case No. 229 of 2023 dated 09.06.2023, instituted for the offence punishable under Sections 376, 120B, 506, 34 of the Indian Penal Code.

3. The prosecution case, in short, is that on 07.06.2023 at 6 pm, co-accused Sudama Devi took the informant to her house and gave her tea mixed with some intoxicated substances. After taking tea, the informant became unconscious. When she got consciousness, she found herself disrobed and blood was oozing from her private part, and also her clothes were smeared with blood. It is alleged that petitioner along with other accused persons has committed sexual assault



with the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the date of occurrence is 07.06.2023, but the F.I.R. has been lodged on 09.06.2023 with two days delay without any plausible explanation. Learned counsel for the petitioner submits that the allegation levelled against the petitioner is false and concocted. True fact is that the informant lodged the present case on the instigation of her sister and brother-in-law, as there was enmity between the co-accused Sujit Kumar and informant's sister and her brother-in-law. Learned counsel for the petitioners submits that the marriage of the informant was earlier performed with someone else, but subsequently, the said marriage was terminated. Thereafter, the informant side wanted to get marry the informant with petitioner namely, Sudhir Rai, but the same was denied by the petitioner's side, as a result, this case has been lodged against the petitioner. Learned counsel for the petitioners submits that during medical examination of the informant, the doctor did not find any external injury on her body. It is also submitted that there is no specific allegation against the petitioner in the statement of the victim recorded under Section 164 Cr.P.C. rather the main



allegation is against Sudama Devi. It is also submitted that the informant and the accused persons filed a joint compromise petition before the Judicial Magistrate, Ist Class stating that the parties do not want to proceed with this case any further. It is further stated that similarly situated co-accused namely, Sujit Kumar has been granted bail vide order dated 20.09.2024 passed by this Court in Criminal Miscellaneous No. 63232 of 2024. Lastly, it has been stated that the petitioner is in custody since 22.06.2024 having no criminal antecedent.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge POCSO-3, Muzaffarpur in Minapur P.S. Case No. 229 of 2023.

(Khatim Reza, J)

Sankalp/-

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