

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70284 of 2023

Arising Out of PS. Case No.-150 Year-2023 Thana- NIRMALI District- Supaul

OM RAJBHAR SON OF KAMESHWAR RAJVAR R/O VILLAGE -
KALSO PATTI, P.S.- KHOUTONA, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti

For the Opposite Party/s : Mr.Asha Devi

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 19-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 363, 366(A) of the Indian Penal Code.

3. As per prosecution case, the informant alleged that his granddaughter went to filed for work but she could not return. The informant came to know that his granddaughter has been abducted by the FIR named accused persons. Thereafter, the present case was lodged.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is not named in the FIR. His name was transpired in this case during investigation. From perusal of case diary, there



is major contradiction between the statement of victim recorded u/s 161 and 164 of the Cr.P.C. She stated in 161 of Cr.P.C. that the accused persons including the petitioner committed rape but she gave contradictory statement in 164 of the Cr.P.C. wherein she has not stated any complicity of the petitioner in respect of commission of rape. The contradictory statement of victim creates doubt on authenticity of the prosecution. The petitioner has got no criminal antecedent and he is languishing in judicial custody since 23.7.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Nirmali P.S. Case No. 150 of 2023 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 2, Birpur, District- Supaul.

(Sunil Kumar Panwar, J)

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