

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72732 of 2024

Arising Out of PS. Case No.-43 Year-2023 Thana- MAHILA P.S. District- Sitamarhi

Raju Kumar S/o- Dilip Sah Resident Of Village- Basant, Ps- Jale, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-10-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 341, 323, 498(A), 379, 376,
504, 506, 34 of the Indian Penal Code & Sections 3/4 D.P. Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that her marriage was solemnized with Rahul on
03.05.2023 and after marriage, the accused Suraj, Krish and
petitioner acted inappropriately with her and also committed
rape and on complain to her husband and mother-in-law, they
scolded the informant saying that they are brother-in-law
(Devar). It is further alleged that the accused persons also gave
her medicine on account of which her two months pregnancy



was aborted and the accused persons are pressurising her to indulge in immoral act with other male persons.

4. The learned counsel submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that on account of dispute with her husband, she has alleged that she was raped by her brother-in-law, in order to coerce her husband into submission. It is further submitted that the date of occurrence is 26.08.2023 and the F.I.R. came to be instituted on 07.12.2023 i.e. after a delay of nearly more than three months, which casts an aspersion on the case of the prosecution. It is also submitted that the informant has supported her case in her statement recorded under section 164 Cr.P.C., wherein she has stated that her in-laws started demanding Rs.17 lacs to recover the loss of her husband in the share-market, for which, they were pressurising her for doing immoral act. The learned counsel submits that since the husband of the informant lost money in the share-market, as such, there was a dispute in between the informant and her husband and the petitioner and others being brother of Rahul sided with him and as such came to be implicated. It is also submitted that it does not appear probable that all the brother-in-laws would have committed rape. It is next submitted that petitioner is in custody



since 06.07.2023 and will co-operate in the trial.

5. Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. 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 bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Sitamarhi Mahila P.S. Case No.43/2023.

7. It is made clear that if the learned trial court comes to a conclusion that petitioner after his release on bail is trying to delay the trial 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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