

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77309 of 2024

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

Rahul Kumar @ Rahul Son of Dilip Sah @ Dilip Kumar Resident of Village-
Kharka Basant, PS -Jale, Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha

For the Opposite Party/s : Mr. Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 20-12-2024 1. Heard learned counsel for the petitioner, learned APP for the State and the learned counsel appearing on behalf of the informant, Mr. Bhaskar Shankar.
2. The petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 498(A), 379, 376, 504, 506 and 34 of the Indian Penal Code read with Sections 3 and 4 of 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 the petitioner on 03.05.2023 and after marriage, the accused Suraj, Krish and Raju Kumar acted inappropriately with her and also committed rape and, on complaint to her husband and mother-in-law, they scolded the informant saying that they are brother-in-law



(*dewar*), it is further alleged that accused persons also gave her medicine on account of which her pregnancy of two months was aborted and the accused persons are pressurizing her to indulge in immoral act with other male persons.

4. Learned counsel for the petitioner submits that Raju Kumar had approached this Court seeking bail by filing Criminal Miscellaneous No. 72732 of 2024 and the same was allowed by an order dated 04.10.2024, thereafter Tulsi Kumari along with 3 others had approached this Court seeking anticipatory bail by filing Criminal Miscellaneous No. 31435 of 2024, but the anticipatory bail application with respect to Rekha and Raju Kumar was permitted to be withdrawn as they were arrested by order dated 30.08.2024 while Tulsi and Dilip Sah were granted the privilege of anticipatory bail, further Rekha Devi approached this Court seeking regular bail by filing Criminal Miscellaneous No. 66651 of 2024 and the same was allowed by an order dated 09.12.2024.

5. The learned counsel for the petitioner next submits that petitioner being husband has been falsely implicated in the instant case by the informant. It is next submitted that the entire family members have been implicated with frivolous allegation that the brother-in-laws (*dewar*) committed rape with the



informant and when she informed her mother-in-law and the petitioner, they did not take any action against them. It is also submitted that it is also alleged that accused persons wanted the informant to indulge in immoral act, but then the said allegation is general and omnibus in nature. It is further submitted that petitioner was working as a vendor with Axis Bank, but after his arrest his entire business has got haywire and he is in custody since 06.07.2024, charge sheet has been submitted as such no useful purpose would be served by keeping the petitioner in jail.

6. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant oppose the prayer for bail of the petitioner.

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 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 of 2023.

8. It is made clear that if the learned Trial Court comes to a conclusion that petitioner after his release is trying to delay the trial in any manner in that event the learned Trial



Court shall be at liberty to cancel the bail bonds of the petitioner
forthwith after recording reasons.

(Satyavrat Verma, J)

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