

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77698 of 2024

Arising Out of PS. Case No.-36 Year-2024 Thana- MAHILA P.S. District- Kaimur (Bhabua)

Bhanu Pratap Gautam S/O Nakul Ram R/O - Village Piparia, P.S- Mohania,
District- Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kiran Devi W/O Manoj Kumar R/O - Village Piparia, P.S- Mohania,
District- Kaimur (Bhabua).

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhaskar Shankar, Advocate
For the State	:	Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-11-2024 Heard Mr. Krishna Prasad Singh, learned Senior

Counsel for the petitioner and Mr. Umesh Lal Verma, learned

APP for the State.

2. The petitioner is in judicial custody in connection
with Mahila P.S. Case No. 36 of 2024 for the offences
punishable under Section 376 of the Indian Penal Code, lodged
on 02.07.2024 by the informant, Kiran Devi.

3. As per the prosecution story, the informant alleged
that her husband is an employee in a private Bank at Varanasi
and she resides in a joint family along with her children. The
allegation is that the petitioner who is own elder brother-in-law,
after injecting some medicines and making unconscious raped



her repeatedly for fifteen days. Further, on 21.06.2024, when she was sleeping on the upper floor of the house, again she was made unconscious, injecting some medicine followed by the rape. Thereafter, took her husband in confidence whereafter, she got her herself treated followed by the F.I.R.

4. Learned Senior Counsel for the petitioner submits that a complete improbable story has been alleged inasmuch as it is a joint family, in which both the family members of the petitioner as also his younger brother (husband of the informant) reside. It is unbelievable that in front of his own wife/children as also the children of his younger brother, he shall commit such heinous crime. Actually, there is a land dispute, the brother wanted his share, the father is still alive and only to put pressure, this story. Further, he has already suffered by being in custody since 03.09.2024 (paragraph no.4 of the petition) having no criminal antecedent and if granted relief, he shall be diligently appearing in trial.

5. Learned APP for the State opposes the prayer submitting that the lady has made allegation against her own brother-in-law as he raped her in the same house.

6. The allegations are there, learned Senior Counsel has made out a point that in a joint family where everyone is



residing continuous putting injection to the lady for fifteen days and committing rape which has been alleged, according to the learned Senior counsel for the petitioner seems improbable. He has already undertaken to diligently appearing in trial, is in custody since 03.09.2024, in that background, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Mohania, Kaimur, in connection with Mahila P.S. Case No. 36 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in now way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

8. Nothing recorded in this order shall be taken in course of trial as the same has been considered only for the purpose of grant of bail.

(Rajiv Roy, J)

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