

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 84721 of 2024

Arising Out of PS. Case No.-304 Year-2024 Thana- BIKRAM District- Patna

Ashok Kumar @ Ashok Raj S/O Parmanand Thakur R/O vill -
Machchariyawan, PS - Fatuha, Distt-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Chand Pandey, Adv.

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-12-2024 Heard the parties.

2. The petitioner is in custody in connection with Bikram P.S. Case No. 304 of 2024 for the offence punishable under Section 64 of the B.N.S., lodged on 27.07.2024 by the informant, Priyanka Devi.

3. As per the prosecution story, the informant alleged that the petitioner who happens to be the brother-in-law, in a drunken condition, caught hold off her, threw her on the ground and raped her. She informed both her husband who reside in Delhi as also mother-in-law but having not got any support, took her cousin, went to the police station and lodged F.I.R.

4. Learned counsel for the petitioner submits that her father-in-law made him drunk, the police has noted that the lady was having extra marital relationship with another person,



nothing sort as what has happened, the family has also submitted compromise petition.

5. Learned A.P.P. opposes the prayer for bail and submits that an extra marital affair doesn't allow any person much less the petitioner to rape a lady. The allegation is specific that in a drunken condition, he threw her down and raped her. The girl has narrated her ordeal and any medical report otherwise of spermatozoa not having been found cannot be a ground of grant of bail.

6. Having gone through the facts of the case and the materials on record, it is surprising that the Sub-Divisional Police Officer, Paliganj, Patna has noted that she had relationship with Dhiraj Kumar and only to harass the petitioner, the case has been lodged. It is not his duty to consider himself as a Court and pass judgment. Even assuming what has been stated by him which was uncalled for is correct, any extra marital relationship doesn't allow anyone much less the petitioner to rape a lady. He is censured from issuing such certificates.

7. There is direct allegation against the petitioner that he despite being a family member in a drunken condition raped her after throwing her on the ground.

8. In the aforesaid circumstances, no case of bail is



made out which is accordingly rejected.

9. Let a copy be sent to the Senior Superintendent of Police, Patna for his perusal and needful to sensitized the Senior Police Officers, specially, the Sub-Divisional Police Officer, Paliganj, Patna refraining him/them from passing such remarks in his/their supervision note.

(Rajiv Roy, J.)

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