

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86121 of 2023

Arising Out of PS. Case No.-40 Year-2023 Thana- ARWAL MAHILA District- Jehanabad

Sudhir Kumar Chaudhary @ Rammurat Kumar @ Sudhir Kumar son of
Shankar Chaudhary Resident of village- Amra, p.s.- Parasi, District- Arwal

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puspa Kumari, D/o Badhe Chaudhary, Resident of Village Amra, P.S. Parasi, Dist. Arwal.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vishwa Ranjan Choudhary
For the Opposite Party/s	:	Mr. Ajit Kumar
For the Informant	:	Mr. Umesh Kumar, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 21-06-2024 Heard learned counsel for the petitioner and

learned APP for the State as also counsel for the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with Arwal

Mahila P.S. Case No. 40 of 2023 instituted for the offences

under Section 376 of the Indian Penal Code.

3. As per prosecution case, the accusation against

the petitioner is of forcibly committing rape upon the victim

girl/Informant. It is also alleged that when the victim girl

raised protest for the same then the petitioner threatened to

kill her.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He submits that there is a love affair between the petitioner and the prosecutrix and they used to make conversation on mobile phone but, when the petitioner refused to solemnize marriage with her, the present false case has been filed against the petitioner. The medical report of the victim girl does not support the prosecution case as no sign and symptoms of recent intercourse has been confirmed by the doctor although the hymen layer found ruptured. The doctor has also not found any external injury on the person of the victim and the age of the girl has been assessed above 18 years but below 20 years. The petitioner has no criminal antecedent and is languishing in judicial custody since 02.09.2023 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner stating that the petitioner is



the sole and named accused in the F.I.R. and there is a direct allegation of committing rape upon the victim girl. The 164 Cr.P.C. statement of the victim girl fully corroborates the allegation made in the F.I.R. The witnesses in Para 18, 19 & 20 of the case diary have also supported the prosecution case. The Medical report also supports the case of the prosecution. Charge-sheet has been submitted against the petitioner under Section 376 of the Cr.P.C. The offence alleged against the petitioner is serious in nature and, thus, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail, ***after framing of charge if not already framed***, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Arwal Mahila P.S. Case No. 40 of 2023, subject to the following conditions;



(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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