

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9777 of 2025

Arising Out of PS. Case No.-504 Year-2024 Thana- MOHANIYA District- Kaimur (Bhabua)

Pyare Mohan Thakur @ Raushan Lal @ Kaushal Lal, Son of Bhim Sen, Resident of T -750, Prem Nagar, Baljeet Nagar Road, Near Mahila Park, Shiv Mandir, P.S.- Patel Nagar, District- Tish Hazari, New Delhi 110008. At present H. No. 2805, ground floor, Mandir Wali Gali, Market Shadi Patel Nagar, Central Delhi

... .. Petitioner

Versus

1. The State of Bihar
2. Priyanka Devi, W/o Binod Tiwary, R/o village-Sadullahpur P.S- Ramgarh, Dist- Kaimur.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Aquaib Khan, Advocate
For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 23-07-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Mohania P.S. Case No.504 of 2024 registered for the offences punishable under Sections 64, 318(4), 351(2), 351(3) of the Bhartiya Nyay Sanhita (in short 'B.N.S.') and Section 67-A of the Information Technology Act.

3. The accused/petitioner is named in the FIR and is in custody since 06.08.2024.

4. Allegation against the petitioner is to commit rape upon the informant, who is aged about 28 years old and



a married lady.

5. It is submitted by learned counsel appearing for petitioner that the victim approached the petitioner in Delhi, in connection with her employment, whereafter she was allowed to work in hotel of petitioner in Delhi. After sometime, she along with other persons committed theft of valuables worth of Rs.27 lacs and also the jewellery worth of Rs.7 lacs in hotel of petitioner. It is submitted that when the complaint regarding aforesaid theft was made to the police on 23.02.2024, the present occurrence was reported to police on 05.08.2024, whereafter, the petitioner was arrested on 06.08.2024 and since then, he is in custody. It is submitted that FIR also suggest that when petitioner visited the village of informant in connection with recovery, the present case was lodged. The victim has refused to join medical examination. It is submitted that in want of medical report and previous enmity, the statement of victim *qua* rape at Delhi and Mohania cannot be said to be of unimpeachable character and, therefore, false implication cannot be ruled out. While concluding argument, it is submitted that



investigation of this case is completed, for which, charge-sheet has already submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP while opposing the prayer for grant of bail to the petitioner submitted that the victim stated in her statement recorded under Section 183 of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short 'BNSS') that the rape was committed upon her at Delhi and Mohania by the petitioner. However, he could not disputed the aforesaid factual submissions.

7. In view of aforesaid facts and circumstances and by taking note of fact as admittedly the victim was working with petitioner, where the FIR suggest on its face that occurrence was reported to the police when petitioner visited the village of informant in connection with recovery of his theft items for which information was already given to police much prior to the alleged FIR, coupled with the fact that petitioner is in custody since 06.08.2024, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Kaimur at Bhabhua in connection with Mohania P.S. Case No.504 of 2024, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short ‘CrPC’)/under Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

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