

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10653 of 2025

Arising Out of PS. Case No.-68 Year-2022 Thana- BAHADURGANJ District- Kishanganj

Ankit Kumar S/o- Ashok Bhagat Village- Beldaur P.S-Beldaur Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 16-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Bhadurganj P.S. Case No. 68 of 2022 registered for the offences under Section 376(D) of the Indian Penal Code and Section 5 of the Immoral Traffic (Prevention) Act, 1956.

3. As per the prosecution case, it is alleged by the informant that she used to work in a Gloves company in Guwahati from there, one Zakir brought her to Siliguri and kept her in a room and committed rape for two days. It is further alleged that she had been handed over to some other person where 4-5 persons together did bad things with her and then from there she was taken somewhere. It is also alleged that she could identify the three persons as Ankit Kumar, Prashant



Kumar and Rajesh Kumar and the other two persons who ran away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It has further been submitted that falsity of this case is clear from the fact that the informant (victim) who claims to be stranger to the petitioner has given their name parentage and full address in her fard-e-beyan which is the basis of this case which clearly shows that this case was filed in a calculated manner at the instance of the police. Learned counsel further submits that the medical evidence is also not suggestive of rape and the victim claims to be a major. In her statement under Sections 161 and 164 Cr.P.C she has not stated the name of the petitioner despite she having stated the name and parentage in her fard-e-beyan. Further she has not stated about vehicle in which the accused persons were allegedly sitting rather she has stated about only one vehicle and the petitioner was not apprehended along with the victim. It has also been submitted that for the simultaneously two FIRs were instituted i.e., Bhadurganj P.S. Case No. 67 of 2022 dated 13.03.2022 and the present case Bhadurganj P.S. Case No. 68 of 2022 dated 13.03.2022. The petitioner was remanded in Bhadurganj P.S. case No. 67 of 2022



on 14.03.2022 and was kept in judicial custody till 26.03.2022 i.e. 13 days but in this period the police did not remand the petitioner in Bahadurganj P.S. Case No. 68 of 2022 and when the petitioner was granted bail in Bahadurganj P.S. Case No. 67 of 2022, he came to know that he has been made accused in Bahadurganj P.S. Case No. 68 of 2022 also. It has lastly been submitted that the petitioner had surrendered in the court concerned on 08.01.2025 and since then he has been in judicial custody.

5. The learned Additional Public Prosecutor for the State has opposed the prayer for bail.

6. Considering the aforesaid facts and circumstances of the case and taking into account that simultaneously two FIRs were instituted and in Bahadurganj P.s. Case No. 67 of 2022 he has been granted bail and that the medical report does not support the allegation of rape, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M, Kishanganj in connection Bahadurganj P.S. Case No. 68 of 2022 subject to the conditions that

a. One of the bailors of the petitioner shall be his



close relative.

- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioner in similar nature of offence, the bail bond of the petitioner will be liable to be canceled by the Court concerned.
- d. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

Prakash/-

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