

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38619 of 2024

Arising Out of PS. Case No.-127 Year-2021 Thana- VISHNUPAD District- Gaya

Rajesh @ Rajeshwar Prasad son of Kameshwar Prasad Vill- Etwan Eraki Ps-
Mohanpur Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha

For the Opposite Party/s : Mr.Meena Singh

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 10-01-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with Vishnupad P.S. Case No. 127 of 2021 for the offences punishable under Sections 376, 504 of the Indian Penal Code lodged on 22.07.2022 by the informant.

3. As per the prosecution story, the informant alleged that she along with the petitioner were living in the same room for studies when allegation is that after giving her sleeping pills, the petitioner raped her. Later, started blackmailing and in that garb continued physical relationship on the promise of marriage after completion of his studies. Later, from October, 2020 when he stopped talking to her, the FIR.

4. Learned counsel for the petitioner that submits that being a meritorious student, only to have joint studies, they were in a room, all the allegations of providing sleeping pills, raping



her and blackmailing are after thought, and even as per her own version, he stopped talking to the lady in the year 2020, the fact remains that the FIR was lodge a year later. It is his further submission that though he is in custody since 15.09.2023 (para-14 of the petition) having no criminal antecedent, the trial has not even commenced and it is at the summoning of the prosecution witnesses stage. He has already lost his future being in custody for more than one year and if granted relief, shall be diligently appearing in the trial.

5. Learned APP opposes the prayer stating that earlier petitioner provided sleeping pills, raped her and later established continuous physical relationship was made by blackmailing her. He, as such, does not deserve the privilege of bail.

6. Having gone through the facts of the case and submissions put forward by the parties, though there is allegation against the petitioner, the fact remains that he has remained in custody for more than a year, a report was called for from the trial court and as per the report *vide* letter no. 157 dated 21.11.2024, the prosecution has failed to produce even a single witness out of eight witnesses cited and it is at the stage of evidence of prosecution, in that background and considering that he has no criminal antecedent, has given an undertaking



that he will be appearing diligently in the trial, is a young person, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, above named, 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 Miss Sambhavi Shankar, learned Judicial Magistrate-1st, Gaya in connection aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member 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 and 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 appear before the concerned police station every month for next six months to mark his attendance;

(iv) the petitioner shall in no 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;



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

(Rajiv Roy, J)

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