

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71181 of 2024

Arising Out of PS. Case No.-194 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Randhir Das Son of Rikhi Das Resident of Village- Basudeopur Chandel
Ward no. 05, PS- Mahnar, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bulandi Devi Wife of Naresh Das village- Husainpur, Ward no. 2, Ps- Patori,
Dist- Samastiur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bijay Bhushan Prasad, Advocate Ms. Rani Shashi Bharti, Advocate Ms. Swati Kumar, Advocate
For the State	:	Mrs. Meena Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

8 15-05-2025 Heard Mr. Bijay Bhushan Prasad, the learned counsel

for the petitioner and Mrs. Meena Singh the learned Additional

Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
T.R. No. 2773 of 2022 arising out of C.R. No. 194 of 2022, in
which cognizance has been taken under Sections 342, 354 and
504 of the Indian Penal Code. Petitioner has clean antecedent.

3. As per the complaint, on 01.01.2022, the petitioner,
namely, Randhir Das, the brother of sister-in-law, visited the
house of the complainant and since the accused was alleged that
he was on very good terms with the complainant. It has further



been alleged that petitioner had taken friendly loan of Rs. 25,000/- from the complainant and the complainant had requested to repay the same, however, the petitioner had handed over Rs. 15,000/- to the complainant. It was further alleged that the complainant and the petitioner on a motorcycle had gone to take some sweet and thereafter, on return the complainant felt dizziness and it is alleged that the petitioner forcefully established physical relations with the complainant in the road side orchard. Further allegations of snatching of silver anklet etc. was also made.

4. The learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He further submits that admittedly from the mere perusal of the complaint, it is clear that there was some dispute with regard to a friendly loan which was taken by the petitioner and since he was not able to return the same, he has falsely been implicated in this case. The learned counsel has further submitted that the prosecution story is concocted and only to give a colour of criminal act committed by the petitioner against the complainant, the present case has been lodged, however, the difference was on account of money which was given as friendly loan. The learned counsel has also submitted that despite service of notice to the opposite



party no. 2 nobody has appeared, though the process server has reported that none of the persons could be found at the stated address. It has lastly been submitted that the petitioner has clean antecedent and he is in custody since 23.07.2024.

5. The learned Additional Public Prosecutor for the State has opposed the prayer for bail and has stated that there is serious allegation against the petitioner to have committed rape upon the complainant.

6. Considering the aforesaid submissions made by the respective parties and taking into account that the case was filed belatedly, as allegations was of 01.01.2022, however, complaint was filed on 16.02.2022 and also the fact that the petitioner is in custody since 23.07.2024, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned Judicial Magistrate 1st Class, Samastipur, in connection with T.R. No. 2773 of 2022 arising out of C.R. No. 194 of 2022, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his



close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) 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)

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