

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76973 of 2024

Arising Out of PS. Case No.-140 Year-2024 Thana- Mufassil District- Purnia

Birbal Kumar Das Son of Late Jangali Das village- Rampur Naya tola Ward
no. 2, Ps- Muffasil, Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Prawesh Kumar, Advocate
For the Informant/s	:	Mr. Gajendra Prasad Yadav, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 23-01-2025 Heard learned counsel for the petitioner; learned
counsel for the informant Mr. Gajendra Prasad Yadav and
learned APP for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 64 and 351
of the Bharatiya Nyaya Sanhita.

3. The case of the prosecution is that Birbal Kumar Das
was calling the informant from last ten days and was saying that
his wife is ill and he invited the informant to his house and
requested her to help him. On 07.08.2024 at about 9 am, Birbal
Kumar Das again called her and told her that it is very necessary
to take his wife to hospital and the help of informant is
necessary and she was called by him, then the informant went to



her house. It is further alleged that the petitioner committed forcefully raped with her and threatened her of dire consequences.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He has got no criminal antecedent. It is also submitted that no such occurrence has happened and the husband of the informant is partner in their business. It is next submitted that from perusal of the medical report, it transpires that the Doctor has found no sign of injury on any part of the body. The story of the prosecution which has been stated in FIR has been developed by the victim herself in her statement under Section 161 and 164 of the Cr.P.C. as well. It is further submitted that the petitioner is languishing in judicial custody since 07.08.2024.

5. Mr. Binod Kumar, learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail and submits that during course of investigation, this victim has given her statement recorded under Section 161 and 164 of the Cr.P.C. as well. In her statement under Section 161, she has supported the case as alleged in the FIR but she has developed to the extent that the petitioner bolted her in her



house, tied her hand and feet, after that committed rape with her. While in her statement under Section 164, she has stated that she was given cold drink and after consuming cold drink, she got unconscious and after that he committed rape.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Muffasil P.S. Case No. 140 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea.

(Ashok Kumar Pandey, J)

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