

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83578 of 2024

Arising Out of PS. Case No.-215 Year-2024 Thana- PARBATTa District- Khagaria

Brajesh Choudhary Son of Kaushal Kishore Choudhary Village- Sirajpur P.S-
Parbatta District- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shanti Devi Wife of Lalkun Paswan village- Tematha, Ps- Parbatta, Dist-
Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar

For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

7 23-06-2025 Heard learned counsel for the petitioner, and the
State.

2. Petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 323, 504, 506 and
376(2)(g), 376(d) of the Indian Penal Code.

3. The allegation in the FIR is that the informant, who
is 42 year old lady has made an allegation against co-accused
Mahesh Paswan that he assaulted her and also committed rape
on 31.05.2024. Further the names of two persons has been taken
along with Mahesh Paswan that they assaulted and committed
rape with her earlier on 29.05.2024. It has also been alleged that
when she regained her consciousness, she came back to her



house on 30.05.2024 and on that night, Mahesh Paswan and Brajesh Choudhary (petitioner) came to her house and committed rape and assaulted her.

4. Learned counsel for the petitioner submits that the FIR is based on a typed written report which bears the LTI of the informant who seems to be illiterate lady. Further the FIR would go to show that she alleges that on three dates, rape was committed on her i.e 29.05.2024, 30.05.2024 and 31.05.2024 and the present case came to be lodged on 01.06.2024. The informant is mother of four children and she has filed this case at the instigation of some co-villagers for some oblique motive. She has even appeared before the Additional Chief Judicial Magistrate, Khagaria and has stated that she did not identify the culprits, who had concealed their faces. Further the statement of the informant was recorded under section 164 of the Cr.P.C in which, she does not take the name of the present petitioner and has given a very cryptic statement against others.

5. Learned APP for the State opposes the anticipatory bail.

6. Considering the facts and circumstances and also considering the statement of the victim under section 164 of the CR.P.C and also her medical examination report not



corroborating her story of repeated subjection to rape, I am inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, in the event of his arrest/ surrender within a period of four weeks from today the petitioner shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand)with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/ successor court in Parbatta P.S.Case No. 215 of 2024, subject to condition as laid down under Section 438(2) of the Cr.P.C and subject to the further condition that the petitioner shall co-operate in investigation/ trial.

(Soni Shrivastava, J)

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