

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82871 of 2024

Arising Out of PS. Case No.-119 Year-2024 Thana- RAJPUR District- Buxar

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GOVIND KUMAR S/O SRIKANT RAM RESIDENT OF VILLAGE-
KAJRIYA, P.S.-RAJPUR, DISTRICT-BUXAR, BIHAR

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 04-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 376 and 406 of the Indian Penal Code.

3. The case of the prosecution is that as the husband of the informant was living at Chandigarh, one co-villager, namely, Govind Kumar, who happens to be the brother-in-law in relation, used to bring articles for her. It is further alleged that due to this relationship, the petitioner borrowed Rs. 1,50,000/- from the informant. On demanding back the said amount, on 30.03.2024, the petitioner called her outside village and committed rape with her along with some unknown persons. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in connection with the present case. During the course of argument, it has been submitted that the independent witnesses have given their statement which is recorded under Sections 161 & 164 of the Cr.P.C in the case diary in which they have stated that there was relation between the petitioner and the informant and as their relation become sour, this case has been filed for ulterior motive. It has further been submitted that from perusal of the medical report, it appears that there is no bodily injury on face, neck, chest, abdomen, back, thigh and buttock. It has also opined that there is no recent sexual intercourse. Further submission is that the occurrence is of 30th of March, 2024 whereas the First Information Report (FIR) has been lodged on 05.04.2024. As such, there is delay in lodging of the case. It is also significant that informant is mother of five children. Moreover, the petitioner is languishing in judicial custody since 30.08.2024 having no criminal antecedent.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioner on



bail. The above named petitioner is directed to be released on bail in connection with Rajpur P.S. Case No. 119 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 1st Additional District and Sessions Judge cum Special Judge, SC/ST, Buxar.

(Ashok Kumar Pandey, J)

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