

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6703 of 2025

Arising Out of PS. Case No.-236 Year-2021 Thana- BARGAINIA District- Sitamarhi

Raj Kumar Singh S/O Badri Singh Resident of Village- Ashogi, Ward No.- 3,
P.S.- Bairganiya, Dist- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. X W/O Subhash Sahani R/O At present- Muhalla Agarwa, Ward No.- 32,
P.S. Nagar Motihari, Distt- W. Champaran, Permanent Add.- Vill.- Ijra
Sangrampur, P.S. Sangrampur, Dist- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Jha, Adv.
For the Opposite Party/s	:	Mr. Dr.Mrityunjaya Kr.Gautam, APP
For the Informant/s	:	Mr. Subodh Kumar, Adv.
		Mr. Surendra Kishore Thakur, Adv.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 28-03-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Bairgania P.S. Case No. 236 of 2021 dated 08.11.2021 registered for the offences punishable under Sections 341, 406, 420, 376, 504 read with Section 34 of the Indian Penal Code and charge-sheet has been submitted under Sections 406, 420 and 120B of the IPC.

3. As per the prosecution case, the petitioner is alleged to have committed rape on the informant when she went to ask for her money.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that during the course of investigation, the factum of rape has been completely disbelieved and only that case has been found true under Sections 406, 420 and 120B of IPC against the petitioner and the co-accused persons and consequently, the charge-sheet has been submitted. A true copy of charge-sheet is annexed as Annexure-P/2 with the bail petition. It is further submitted that there is nothing on record which shows that the victim was forced/seduced to have illicit intercourse with another person. The petitioner has no concern with the alleged offence. The petitioner has nine criminal antecedents in which he is acquitted in five cases as stated in para 3 of the bail petition. The petitioner is in custody since 28.07.2024.

5. Learned A.P.P. for the State and learned counsel for the informant have opposed the bail petition of the petitioner. It is further submitted that the informant was demanding her money.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond



of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Sitamarhi in connection with Bairgania P.S. Case No. 236 of 2021, with the condition:-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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