

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52336 of 2024**

Arising Out of PS. Case No.-1862 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

Shiv Shankar Kumar @ Shiv Shankar Singh son of Late Ram Bali Singh
Village- Nima Po- Jamuk Ps Dist- Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rimpi Srivastava D/o- Nand Kishore Srivastava R/o- 2A/303, Samarpan Complex Jesal Park Bhayanhdr East Ps- Navghar Dist- Thane Maharastra

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. P.N. Sahi, Sr. Advocate
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP
For the Informant : Mr. Pramod Rajpati, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 21-08-2024 Heard Mr. P.N. Sahi, learned senior counsel for the petitioner, Mr. Pramod Rajpati, learned counsel appearing on behalf of the informant as well as Mr. Ram Bilash Roy Raman, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 1862(C) of 2023, F.I.R. dated 09.10.2017 for the offences punishable under Sections 376, 354C, 506 read with Section 34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including this petitioner have committed rape upon the complainant and also made a video of the same and threatened her for dire consequences. It is further alleged that one of the



co-accused, namely, Pintu Singh stolen her ornaments after marrying her and fled away and when the complainant enquired about him, she found that the said Pintu Singh is already married and he had five children.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that earlier a Mahila P.S. Case No. 72 of 2017 was instituted under Sections 376D, 506 and 34 of IPC against the petitioner and other co-accused persons. He further submits that the police after the investigation, has submitted the final form in favour of the petitioner and not sent up the trial to the petitioner vide final form dated 31.12.2019 and thereafter, the learned court below has accepted the final form vide order dated 02.02.2023. He further submits that thereafter, the informant has filed the present Complaint/Protest Petition No. 1862(C) of 2023 and on the protest petition the criminal court below has taken cognizance vide order dated 30.11.2023 against the petitioner and other co-accused persons. He further submits that the on perusal of the Mahila P.S. Case No. 72 of 2017, which suggest that the informant has not given the date of occurrence in the aforesaid F.I.R., and the aforesaid F.I.R. has been instituted



after two years of occurrence as alleged in the F.I.R.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that there is sufficient material against the petitioner but the police in connivance with the petitioner has submitted the final form.

6. Considering the aforesaid facts and circumstances that the petitioner having clean antecedent and also the police has submitted final form in favour of the petitioner, long back in the year 2019 and thereafter the Opposite Party No. 2 has filed the present Complaint Case No. 1862(C) of 2023 against the petitioner in which cognizance has been taken against the petitioner vide order dated 30.11.2023, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Patna in connection with Complaint Case No. 1862(C) of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other



following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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.

(Rajesh Kumar Verma, J)

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