

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11987 of 2015

Arising Out of PS.Case No. -260 Year- 2013 Thana -SAHARSA District- SAHARSA

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Santosh Sharma @ Santosh Kumar Sharma son of Chandeshwar @
Chandeshwari Mistri, resident of Village - Kumedan Tola, P.S.
Bakhtiyarpur, District - Saharsa.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Dr. Ravindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 26-05-2015

When the matter has been taken up for consideration,
a supplementary affidavit is being filed on behalf of the petitioner,
which is taken on the record.

Heard the parties.

The petitioner seeks bail in a criminal prosecution
registered under Section 366-A/34 of the Indian Penal Code.

Though the petitioner is named in the first
information report vide Annexure-1 as an accused with an
allegation of kidnapping of the victim, but the manner of
occurrence as has been disclosed by the victim in her statement
under Section 164 of the Code of Criminal Procedure appears to
be highly improbable and unbelievable, as according to her
statement, with the help of his wife, the petitioner committed rape
upon the victim in her presence.

Taking into consideration the aforesaid aspect of the
matter and further taking into consideration that the petitioner is
in judicial custody since 21.08.2014, his prayer for bail is allowed.
The above named petitioner is ordered to be released on bail on

furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 260 of 2013, subject to the following conditions:

(A) one of the bailors must be a government servant or close family member or close relation of the petitioner who will file an affidavit in the court below showing his/her relationship with the petitioner,

(B) if the petitioner is found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned, and

(C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

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