

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47054 of 2015

Arising Out of PS.Case No. -497 Year- 2015 Thana -KATIHAR District- KATIHAR

1. Roshan Kumar, son of Jitendra Kumar Sah, R/o Village- Mirchai Bari,
P.S.- Banmankhi, District- Purnea

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Bidhu Ranjan, Adv.

For the Opposite Party/s : Mr. Vinod Shankar Modi(APP)

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
ORAL ORDER

2 15-10-2015

This is an application, made under Section 439 of the Code of Criminal Procedure, seeking bail for the accused-petitioner, namely, Roshan Kumar, in connection with Katihar Town Police Station Case No. 497 of 2015, under Section 376/323 of the Indian Penal Code.

Perused the above application and materials on record.

Heard Dr. Bidhu Ranjan, learned Counsel for the petitioner, and Mr. Vinod Shankar Modi, learned Additional Public Prosecutor, appearing on behalf of the State.

In the light of the statement of the alleged victim recorded under Section-164 Cr.P.C., it is submitted that the sexual relationship between the petitioner and the alleged victim

was consensual and *charge sheet* has already been submitted.

In view of the fact that the accused above-named has been in custody since 18.08.2015 in connection with the case aforementioned and though *charge sheet* has been submitted, trial has not yet commenced and perusal of the materials available on record does not reveal such incriminating materials, which would warrant further detention of the accused-petitioner in custody, and in view also of the fact that the perusal of the materials does not reveal that the accused-petitioner's liberty on bail would adversely affect his trial, it is, in the interest of justice, hereby directed that the accused above-named shall be released on bail of Rs. 10,000/- with two sureties, each of the like amount, subject to the satisfaction of the learned Chief Judicial Magistrate, Katihar, in connection with Katihar Town Police Station Case No. 497 of 2015.

This direction for bail is further subject to the condition that the accused above-named shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear, in the learned Court below, as may be directed.

In terms of the above observations and directions,
this bail application shall stand disposed of.

(I.A. Ansari, ACJ)

K.C.jha/-

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