

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6605 of 2016

Arising Out of PS.Case No. -242 Year- 2014 Thana -MAHILA P.S. District- BHOJPUR

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KAMALAKANT NIRALA @ KAMAL KANT NIRALA son of Rati Kant Prasad, R/o village- Babhangawan,P.S.- Krishnagarh, District- Bhojpur (Ara)..... Petitioner

Versus

The State of Bihar..... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Mukesh Kr. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 07-04-2016 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Bhojpur Mahila P.S. Case No. 242 of 2014 registered for the offence punishable under Sections 376/34 of the Indian Penal Code.

On the basis of complaint petition this case has been lodged with allegation that the petitioner committed rape with the complainant and on protest caused threats and further assured to marry with her. It is also alleged that the petitioner caused threats that he has taken photograph and on that plea also started developing sexual relationship but later on refused to marry with her.

Submission is of false implication and that during investigation no sign of rape was found by the doctor, pregnancy



test was also found negative which is mentioned in paragraph 54 of the case diary. Upendra Kumar who is the brother-in-law of the complainant has stated that Rekha was on talking terms with the petitioner and both wanted to marry but later on the accused persons were not agree and then both parties compromised the case and an agreement was filed before the Officer In-charge, similarly other witnesses have also stated and in the case diary at page 13, 14 and 15 agreement and compromise petition are attached and as such the petitioner who is suffering in custody since 27.11.2015 deserves sympathetic consideration to which the learned APP opposes.

In the facts and circumstances stated above, considering the statement of Upendra Kumar the brother-in-law of the complainant and further the medical evidence and compromise arrived at between the parties, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Ara in connection with Bhojpur Mahila P.S. Case No. 242 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain

present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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