

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53444 of 2015

Arising Out of PS.Case No. -114 Year- 2015 Thana -DANAPUR District- PATNA

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1. Sukesh Kumar @ Suresh Ray son of Surendra Ray, Resident of village-
Beyapur, P.S.- Maner, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Sita Devi W/o late Mukesh Kumar D/o Uma Prasad Rai R/o Mohalla
NariyalGhat, Takiyapar, P.S. Danapur, Dist. Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saket Tiwary
For the State : None.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 09-02-2016 Heard Mr. N.K. Agrawal, Sr. Advocate, for the

petitioner. None for the State.

Petitioners apprehends his arrest in connection with
Danapur P.S. case no. 114 of 2015 registered on the basis of a
written complaint lodged by the opposite party no.2 under
Sections 498A, 306, 376, 313, 307, 380, and 504/34 of the IPC.

The allegation is that she was married to the eldest
son in the family of the petitioner who subsequently died. The in-
laws including the petitioner started torturing her after death of her
husband. Reading the complaint, the allegation is that accused
no.4 of the complaint (petitioner) on one occasion committed rape
on her. The family members consoled her that her second
marriage shall be solemnized with the accused. On that pretext

the accused committed rape on her on few occasions.

Mr. Agrawal, learned counsel, referring to the statements made in para-3 of the case diary submits that the lady in her re-statement has named Rakesh Rai as the person who committed rape on her. Similarly, her father in para -4, mother in para-5 and other witnesses in different paragraphs have said about the commission of rape by another brother of the deceased husband namely Rakesh Rai. It is, thus, contented that the allegation of rape is not attributed to the petitioner even by the complainant-informant. It is further pointed out from the body of the complaint that only the serial no. of the accused is written who committed rape on the victim and not the name of the accused.

Surprisingly, the said matter was not placed before the learned Sessions Judge when the bail applications of many of the accused(s) including the petitioner herein and aforesaid Rakesh Rai was being considered .

Be that as it may, considering the submissions of Mr. Agrawal, I am inclined to extend the privilege of anticipatory bail to the petitioner. In the event of his arrest or surrender in the Court below within a period of four weeks from today, the petitioner, above named, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two

sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Danapur in Danapur P.S. case no. 114 of 2015, subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

- (i) One of the bailers shall be the own/close family members of the petitioner.
- (ii) As soon as the charges are framed the petitioner shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner and secure his arrest in accordance with law.
- (iii) During the subsistency of the privilege of anticipatory bail, if the petitioner is found involved in any other criminal case, the same shall be deemed as breach of condition of bail entailing its cancellation.

(Kishore Kumar Mandal, J)

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