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IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12111 of 2016

Arising Out of PS.Case No. -3 Year- 2016 Thana -MAHILA P.S. District- SEKHPURA

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1. SANTOSH KUMAR ANJNA @ SANTOSH KUMAR son of Late Kapildeo Singh, Resident of MOhalla- Rajopuram Colony, Station Road, Sheikhpura……..... .... Petitioner

Versus

1. The State of Bihar ……..... .... Opposite Party

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Appearance :
For the Petitioner/s : Mr. Rakesh Ranjan
For the Opposite Party/s : Mr. Sahin Begam(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

5 27-06-2016 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Mahila P.S. Case No. 03 of 2016 registered for the offences punishable under Sections 420, 376, 354 (c), 354 (D), 506, 509 of Indian Penal Code and Sections 66(A), 67 (B) of Information Technology Act.

Allegedly, the petitioner posing himself as Police Officer took the informant in his confidence, intervened in the dispute going on with the informant and her husband and got them separated for some time and thereafter, developed sexual relationship with the informant and further cheated Rs. 22,000/- from her and gave cheque which was bounced.

Submission is of false implication and that no offence under Section 376 IPC is made out, the informant herself was a consented party, she is in his habit of lodging false cases as earlier she has lodged a

case against Rahul Kumar under Section 354 IC and other allied Sections bearing Barbigha P.S. Case No. 224 of 2015, without any fault the petitioner is suffering in custody since 12.01.2016 as the medical evidence does not support the allegation of rape.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the petitioner has committed heinous offence.

In the facts and circumstances stated above, considering the period of detention and further considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, 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 Chief Judicial Magistrate, Sheikhpura in connection with Mahila P.S. Case No. 03 of 2016, 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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