

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36557 of 2017

Arising Out of PS.Case No. -260 Year- 2016 Thana -KISHUNPUR District- SUPAUL

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Raushan Kumar Son of Bechan Ray, R/o Village- Maladh, P.S.-
Kishanpur, District- Supaul.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Arun, Advocate.

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 21-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 24.12.2016 in connection with Sessions Trial No. 117 of 2017 arising out of Kishanpur P.S. Case No. 260 of 2016 for the offences alleged under Sections 366(A)/34 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated on mere suspicion and in fact it was a case of love affair between the petitioner and the daughter of the informant. There is delay of two days in the institution of the F.I.R. on 12.12.2016 for the alleged occurrence of 10.12.2016. Even though the informant's daughter had been recovered four days later, her statement has been recorded under Section 164 Cr. P.C. on 20.12.2016 which clearly shows afterthought. A niece of the informant who also went missing along with the informant's daughter has not named the petitioner in her deposition under Section 164 Cr. P.C. which creates great doubt about the allegations against the petitioner. The petitioner claims clean antecedents.



4. A perusal of paragraph-31 of the case diary containing details of medical report does not disclose any sign of rape. The age of the informant's daughter is estimated to be about 18 to 19 years.

5. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge Ist, Supaul, in connection with Sessions Trial No. 117 of 2017 arising out of Kishanpur P.S. Case No. 260 of 2016, on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

Md. Ibrarul/BT

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