

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39784 of 2017

Arising Out of PS.Case No. -44 Year- 2017 Thana -AIRPORT District- PATNA

=====

Satyendra Kumar son of Sukhdeo Prasad resident of Village - Tehta, P.S. -
Makhdumpur, District - Jehanabad.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nagadeo Choubey

For the Opposite Party/s : Mr. Sri Humayou Ahmad Khan

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

8 07-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 02.04.2017
in connection with Hawaii Adda (Airport) P.S. Case No. 44 of
2017 for offences punishable under Section 376 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that while she was alone in the house her brother-in-law,
petitioner, came and committed rape on her. He also assaulted and
threatened her of not disclosing the said incident to any body.

It has been submitted by the learned counsel for the



petitioner that he is innocent and victim is the younger sister of his wife and there is a Mutual Divorce Case No. 2786 of 2016 pending between them. He submits that the victim girl is a major as assessed in the medical report to be 24-25 years of age and she was in love with the petitioner. He submits that the petitioner bears no criminal antecedent and has been falsely implicated and he is languishing in judicial custody since more than six months and that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. He submits that the statement made in the fardbeyan and the statement under Section 164 of the Cr.P.C. there is contradiction which falsifies the entire prosecution story.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is alleged to have committed heinous offence on his own sister-in-law.

Considering the facts and circumstances and the materials on record and the period of custody and that charge-sheet has already been submitted, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in connection with Hawaii Adda



(Airport) P.S. Case No. 44 of 2017, subject to the conditions that:

- (1) Both bailors would be close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating their relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

U		T	
---	--	---	--

