

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38799 of 2017

Arising Out of PS.Case No. -100 Year- 2016 Thana -BANMANKHI District- PURNIA

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Sanjeev Kumar @ Dulla Hansda Son of Sri Jawahar Hansda, R/o Village-
Rasarh, Harmurhi, Lodhiya Tola, P.S.- Banmankhi, District- Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand

For the Opposite Party/s : Mr. Sri Anant Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 03-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Banmankhi
P.S. Case No. 100 of 2016 for offences punishable under Sections
376, 307, 506 and 34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that the petitioner forcefully committed rape on the pretext of
marriage and had married with another girl. It is also alleged that
the petitioner threatened to kill her by pressing her neck.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that the victim lady is a major as also assessed by the Magistrate under Section 164 Cr.P.C. and the allegation of rape is false and that he is languishing in judicial custody since 30.05.2017. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. He further submits that the occurrence took place two years ago and the prosecution story is not probable and that there is contradiction in the F.I.R. lodged by the victim lady and her statement under Section 164 Cr. P.C.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, 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 Additional Chief Judicial Magistrate, VIth, Purnea in connection with Banmankhi P.S. Case No. 100 of 2016, subject to the



condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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