

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23398 of 2017

Arising Out of PS.Case No. -30 Year- 2015 Thana -MAHILA PS District- GAYA

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1. Kanchan Rajbanshi S/o Baijnath Rajbanshi, Resident of Village- Nimi,
P.S. Fatehpur, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Akhileshwar Dayal

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 26-07-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in custody since 20.03.2017 in
connection with Sessions Trial No. 237/16, arising out of Mahila
P.S. Case No. 30/15 for offences punishable under Sections
376/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that her father used to commit rape on her since childhood and the
petitioner, who is her next door neighbour, also committed rape on
her and she had two abortions and was always threatened by both
of them of dire consequences if truth is revealed.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal history and, in fact, the informant had a love affair with the petitioner, but one Indal Paswan, who was a teacher, involved the informant, who was a married man and at his instance, false case has been lodged against him. He submits that the informant is a major as assessed by the Magistrate in her statement under Section 164 Cr.P.C. and the medical report also assessed her age to be above 19 years. It is submitted that the charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned counsel for the informant submits that the informant had been subjected to physical relationship from a very early age by her father and then the petitioner, who is a married man with three children, hence, opposes the prayer for bail.

Learned APP for the State also opposes the prayer for bail.

Be that as it may, 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 ADJ-5, Gaya in connection with Sessions Trial No. 237/16, arising out of Mahila P.S. Case No. 30/15, subject to the condition that one of the bailors would be a close



relative of the petitioner, who would have sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and 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)

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