

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34519 of 2017

Arising Out of PS.Case No. -195 Year- 2017 Thana -NARPATGANJ District- ARRARIA

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1. Suman Kumar Yadav @ Suman Yadav Son of Ganesh Yadav, R/o
Village- Kanhaili (Khabdah), P.S.- Narpatganj, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh

For the Opposite Party/s : Mr. Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 28-07-2017 The petitioner seeks regular bail in connection with

Narpatganj P.S. Case No. 195 of 2017, registered for offences

punishable under Section 376/34 of the Indian Penal Code and

Section 3/4 of Dowry Prohibition Act.

Allegation against the petitioner is committing rape on

the informant on the assurance of marriage later on he refused to

marry with her.

It has been submitted on behalf of the petitioner that out

and out false and fabricated case has been filed against the

petitioner. Further the statement of girl shall itself show that she

was a consenting party as she has one sided love affair with the

petitioner and when the petitioner refused to marry with her, she

has filed this case. It has also been submitted that now the



marriage of girl has been solemnized with some other person and petitioner has been in judicial custody since 07.05.2017.

Heard learned A.P.P. also.

Having heard both sides, considering the facts and circumstances of the case and submission of learned counsel for the petitioner, this application is disposed of with direction to learned court below to verify the above submission of learned counsel for the petitioner that now the girl has married with some other person, and if the same is found to be true, the court below shall release the petitioner on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Narpatganj P.S. Case No. 195 of 2017, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and



when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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