

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17747 of 2017

Arising Out of PS.Case No. -408 Year- 2016 Thana -KUDHNI District- MUZAFFARPUR

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1. Mukesh Sahni, Son of Bindeshwar Sahni, Resident of Village- Basant Kharauna, P.S. Kudhani, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Adv

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 26-04-2017 The petitioner is apprehending his arrest in connection with Kudhni P.S. Case No. 408 of 2016, registered for the offences punishable under Sections 365, 366/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that the statement of the victim has been recorded under Section 161 of the Cr.P.C., in which she has stated that she has love affair with the petitioner and she has gone alongwith the petitioner out of her own sweet will, and thereafter came back and she has not stated about the story of rape or anything else. However, it has been submitted that in the statement recorded under Section 164 of the Cr.P.C, she has not stated about commission of rape or any other offence except that the petitioner has taken her and she has also accepted



the story of love affair with the petitioner.

Heard learned A.P.P. who has opposed the prayer for bail.

Having heard both sides, considering the facts and circumstances of the case, nature of offence and also that the petitioner has no criminal antecedent, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned **J.M. Muzaffarpur**, in connection with **Kudhani P.S. Case No. 408 of 2016**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

- (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 shall cooperate in the investigation and make himself available as and when required by the police and on the event of failure on his part to appear before



the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bonds.

(Vinod Kumar Sinha, J)

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