

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43480 of 2017

Arising Out of PS.Case No. -169 Year- 2016 Thana -GOGRI District- KHAGARIA

=====

Roshan Kumar Sah son of Juleswar Sah, resident of Village- Kishanpur,
Ratwara Panchayat, Police Station- Ratwara, District- Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 18-12-2017 Heard learned counsel for the petitioner, learned

counsel for the informant and learned APP for the State.

Petitioner seeks bail in connection with Gogri (Poura)
P.S. Case No. 169 of 2016, G.R. No. 2194 of 2016 registered for
offences punishable under Sections 341, 323, 324, 366, 379 and
376/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while she was going from her matrimonial house to board a
boat, petitioner along with his brother-in-law and friends assaulted
her with knife, took her away to Civil Court and petitioner
forcefully solemnized marriage with the informant before the
Notary. After nine days petitioner left her and snatched away Rs.



50,000/- and gold Mangal Sutra. First Information Report was lodged after five days thereafter. Further allegation is that petitioner took the informant in a hotel and committed rape on her.

It has been submitted by the learned counsel for the petitioner that he is innocent, is next door neighbour of the informant and witnesses have stated that there was cordial relationship. Later on, both had quarreled, as such, petitioner has falsely been implicated. He submits that he bears no criminal antecedent and that he is languishing in judicial custody since 24.05.2017 and that charge-sheet has already been submitted. He submits that First Information Report has been lodged after inordinate delay and no plausible explanation has been given for such delay.

However, learned counsel for the informant vehemently opposes the prayer for bail stating therein that the informant was a married lady and while coming from matrimonial house, petitioner had abducted her, injured her with knife, took her to Civil Court, solemnized marriage before the Notary and committed rape upon her, which was reiterated in her statement under Section 164 of the Cr.P.C. He submits that petitioner has committed rape on a married lady. Learned APP for the State also 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/-(Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Gogri (Poura) P.S. Case No. 169 of 2016, G.R. No. 2194 of 2016, subject to the following conditions:

- (1) Both the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (2) The 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.
- (3) If petitioner indulges in an offence of similar nature, in future, the



prosecution will be at liberty to move
the learned Court below for
cancellation of his bail bonds.

(Nilu Agrawal, J.)

Arjun/-

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

