

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53346 of 2017

Arising Out of PS.Case No. -1012 Year- 2017 Thana -SA SARAM NAGAR District- SASARAM
(ROHTAS)

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1. Kundan Kumar S/o Sunil Kahar , R/o Village- Darigao, P.S.- Darigao ,
District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pandey

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 15-11-2017 Heard the parties.

The petitioner seeks regular bail in connection with Sasaram
(T) Darigao P.S.Case no.1012 of 2017 registered for offences
punishable under Section 376 of the Indian Penal Code.

Allegation against the petitioner is of committing rape upon
the informant on the assurance that he will marry with her and
later on he refused to marry with her.

Submission of the learned counsel for the petitioner is that
the FIR itself shows that the petitioner has made physical
relationship on consent and the informant is major in this case.
The petitioner is in custody since 22.7.2017.

Heard learned A.P.P. as well as learned counsel for the
informant. They have opposed the prayer for bail.



Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Sasaram, Rohtas in connection with Sasaram (Darigao) P.S.Case no.1012 of 2017.

With 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 co-operate in the disposal of trial and make himself available as and when required by the court and in the event of failure 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 bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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