

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36873 of 2018

Arising Out of PS.Case No. -177 Year- 2017 Thana -SULTANGANJ District- BHAGALPUR

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Pankaj Kumar Kushwah, son of Late Bholu Mandal, resident of Village -
Ward No. 06, Balu Ghat Road, Kushwaha Tola, Police Station- Sultanganj
and District-Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 16-07-2018 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

The petitioner is in custody since 30.11.2017 in
connection with Sultanganj P.S. Case No.177 of 2017 registered
for the offence under Sections 376 and 420 of the Indian Penal
Code.

Learned counsel for the petitioner submits that the
entire case is false and the informant had herself come to the
petitioner and had voluntarily married her in the Basukinath
Temple. It is submitted that actually the woman is married from
before and, therefore, such allegation is entirely false and
fabricated and has been made to tarnish his image. It is further
submitted that such allegation can well be tested at the trial and
so far as the story of taking Rs.50,000/- is concerned, it is also
fabricated.



Considering the entire facts and circumstances of the case and that the victim is a married woman of about 28 years of age as stated by her in the statement under Section 164 Cr.P.C., let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Bhagalpur, in connection with Sultanganj P.S. Case No.177 of 2017, subject to the following conditions:

(1) One of the bailors will be his close relative.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4)The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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