

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31977 of 2018

Arising Out of PS. Case No.-117 Year-2017 Thana- RUPASPUR District- Patna

Sanjay Kumar Pandey, S/o Late Aditya Pandey, R/o Mohalla- Near Paras Garden, Shanti Vinayak Complex, PS- Rajiv Nagar, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Amresh Kumar Sinha, Adv.
For the Opposite Party/s :	Mr. Sri Anil Kumar, APP
For the Informant :	Mr. Pramod Raj Pati, Adv.
	Mr. Ujjwal Kumar Singh, Adv.
	Mr. Sanju Singh, Adv.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 18-07-2018 Heard learned counsel for the petitioner, learned counsel for the informant and the learned A.P.P. for the State.

The petitioner had earlier moved for bail which was rejected vide order dated 08.11.2017 passed in Cr. Misc. No. 37472 of 2017. Petitioner is languishing in judicial custody since 02.05.2017 in connection with Rupaspur P.S. Case No. 117 of 2017 registered for the offence punishable under Sections 376, 506 and 420 of the Indian Penal Code and Section 66-E of Information Technology (Amendment) Act.

The prosecution case, as lodged by the informant, is that she was a final year student of Sagar Institute of Science and Technology, Bhopal and on information from a friend that



the petitioner would secure her job in Railways, she approached him, who called her in his office, committed rape on her, took a video and also offered her to friends who also committed rape on her and he threatened her of keeping silent otherwise he would make the video viral.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that the victim girl is a major and it was a consented relationship, hence, Section 376 of the Indian Penal Code will not come into play. He further submits that the informant came herself to the petitioner, hence, Section 420 of I.P.C. will not be applicable and that charge-sheet has already been submitted and the petitioner undertakes to co-operate in the trial on day-to-day basis.

However, learned counsel for the informant submits that the victim in her statement under Section 164 of the Cr. P.C. has narrated the entire incident and had also named the petitioner to have committed rape on her and made her video. Learned A.P.P. for the State also opposes the prayer for bail.

In this connection a report was called for from the Court of the learned A.C.J.M.-II, Danapur, Patna who has submitted report that the matter is pending for supply of police paper and



commitment of the case to the Court of Sessions.

Considering the facts and circumstances, materials on record and the period of custody, let the petitioner, named above, 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 the learned Addl. Chief Judicial Magistrate-IIInd, Danapur, Patna in connection with Rupaspur P.S. Case No. 117 of 2017, subject to the conditions that:

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties within the jurisdiction of the P.S./Court, who will file an affidavit stating his relationship with the petitioner.

(2) The petitioner will co-operate in the investigation/trial and appear before Police/Court on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

Counsel for the informant further submits that she is ready to co-operate and give her statement as and when



required before the learned Trial Court.

Learned Trial Court is directed to expedite the trial
and conclude the same within six months.

(Nilu Agrawal, J)

Arjun/Pragya

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

