

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68040 of 2018

Arising Out of PS. Case No.-357 Year-2018 Thana- MUFFASIL District- West Champaran

Sitesh Kumar @ Sumit Kumar, S/o Mithlesh Prasad, R/o Chargaha, P.S.-
Bettiah Muffasil, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Bimlesh Kumar Pandey
For the Opposite Party/s :	Mr. Anil Kumar
For the Informant	Randhir Kuamr No.1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 29-11-2018 Heard the parties.

The petitioner seeks regular bail in connection with Bettiah Muffasil P.S.Case No.357 of 2018 registered for offences punishable under Sections 341, 342, 323, 366, 376, 379, 385, 506/34 of the Indian Penal Code.

Allegation against the petitioner is of kidnapping of the informant and also committing rape upon her and also that he has taken photograph and threatening her to make it viral.

Submission of the learned counsel for the petitioner is that the FIR itself shows that she fled away with cash and ornaments and it further appears that she resided at several places and she is major. In such view of the matter, no case is made out under Sections 376 and 366 of the IPC as the



informant is consensual party. The petitioner is in custody for about four months.

Heard learned A.P.P. and the learned counsel for the informant. They have opposed the prayer for bail stating that the petitioner has taken photographs and threatening her to make it viral and also committed rape upon her. .

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 CJM, Bettiah, West Champaran in connection with Bettiah Muffasil P.S. Case No.357 of 2018.

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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