

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38877 of 2018

Arising Out of PS. Case No.-3 Year-2018 Thana- AMDABAD District- Katihar

Sunny Kumar Paswan @ Sanni Kumar Paswan S/o Anil Paswan, R/o Vill.-
Dilli Dakra, P.S.- Amdabad, District- Katihar ... Petitioner
Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Birendra Kumar, Adv.
For the Opposite Party : Mr. Ram Anurag Singh, APP 227

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 07-09-2018 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

Petitioner, who is languishing in judicial custody since 21.02.2018, seeks bail in connection with Amdabad P.S. Case No. 3 of 2018 for offence alleged under Section 376 of the Indian Penal Code.

The prosecution case, as lodged by the informant, Laxmi Devi, is that on 09.01.2018, she was sleeping in the house. In the night the petitioner broke open the door and committed rape on her.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and has been falsely implicated in the aforesaid case. He submits that the family has a habit of lodging of such type of cases as the mother-in-law had also lodged two such cases against another



persons, which is Annexures 4 and 4/1. The petitioner submits that the victim-lady is a major and a married woman and the petitioner has been punished enough. He submits that the charge sheet has been submitted that there is allegation of tampering of prosecution witness. He, further, submits that the first information report has been lodged after three days of the occurrence and no plausible explanation has been given.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that in the statement under Section 164 of the Criminal Procedure Code the victim lady also supports the prosecution case.

Considering the facts and circumstances and the materials on record as well as the period of custody, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Amdabad P.S. Case No. 3 of 2018 to the satisfaction of Sri. D. Singh, Judicial Magistrate, 1st Class, Katihar, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.



(ii) 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.

(Nilu Agrawal, J)

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