

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38413 of 2018

Arising Out of PS. Case No.-67 Year-2017 Thana- MAHILA P.S. District- Araria

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Jeevan Kumar Gupta son of Dineshwar Sah @ Dineshwar Pd. Sah resident of
village - Chakai, Police Station - Jokihat, District – Araria ... Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr. Krishna Prasad Singh, Sr. Adv. with
Mr. Mukesh Kumar Rana, Adv.

For the State : Mr. Amrendra Prasad, APP 77

For the informant : Mr. Krityanand Jha, Adv.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 05-09-2018 Heard the learned counsel for the petitioner and the

learned counsel appearing for the State.

Petitioner, who is languishing in judicial custody
since 26.03.2018, seeks bail in connection with Araria (Mahila)
P.S. Case No. 67 of 2017 G.R. No. 3144 of 2017 for offence
alleged under Section 376 of the Indian Penal Code.

The prosecution case, as lodged by the informant,
who is the victim, is that while she was at her uncle's place
because of floods and she was sleeping in her house with her
younger sister, the petitioner came and committed rape on her
and also threatened to kill her on the point of knife. It is,
further, alleged that a Panchayati was held in which the
petitioner has accepted his guilt, but, fled away.

It has been submitted by the learned counsel for the
petitioner that the petitioner is innocent and there is no criminal



antecedent and the petitioner had love affairs and later the petitioner has filed an affidavit stating of compromise and denying the allegation as alleged in the first information report. He submits that charge sheet has already been submitted and now there is cordial relation between the petitioner and the informant.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

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 Araria (Mahila) P.S. Case No. 67 of 2017 G.R. No. 3144 of 2017 to the satisfaction of the Subdivisional Judicial Magistrate, Araria, subject to the condition that 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.

(Nilu Agrawal, J)

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