

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43181 of 2018

Arising Out of PS.Case No. -4 Year- 2018 Thana -CHANDAN District- BANKA

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Chandan Kumar, S/o Keshar Yadav @ Yugal Yadav, Resident of Village-
Biyahi, P.S.- Chandan, District- Banka.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Adv.

For the Opposite Party/s : Mr. Md. Ansarul Haque, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 24-09-2018 Heard learned counsel for petitioner and learned A.P.P.

for the State.

The petitioner seeks bail in Chandan P.S. Case No. 04/2018 corresponding to G.R. No. 71/2018, registered for the offences punishable under Sections 366(A), 376, 506 and 34 of the Indian Penal Code and section 4 of P.O.C.S.O. Act.

Allegation against petitioner is committing rape with the niece of informant on the pretext of marriage.

It has been submitted that there is love affair between petitioner and the victim girl. She herself left her home and went along with the petitioner. Victim is a major girl. There is no allegation of kidnapping or sexual assault in the statement recorded under Section 164 Cr.P.C. of the victim girl.

Petitioner has no criminal antecedent. He is in custody since 10.01.2018.



Considering the facts aforesaid, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional District & Sessions Judge Ist-cum-Special Judge, Banka in connection with Chandan P.S. Case No. 04/2018 corresponding to G.R. No. 71/2018, subject to the conditions:

- (1.) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2.) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bonds.
- (3.) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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