

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5947 of 2019

Arising Out of PS. Case No.-39 Year-2018 Thana- MAHILA PS District- Khagaria

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Kailash Kumar, son of Sri Samo Yadav, aged about 24 years, Gender Male,
Resident of Village – Khutiya, P.S. Mansi, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Siddhartha Prasad, Adv.

For the Opposite Party/s : Mr.Dilip Kumar No. 1 (APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 07-02-2019 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in
connection with Khagaria Mahila P.S. Case No. 39 of 2018
registered for the offence punishable under Section 376 of the
Indian Penal Code.

Informant is the victim girl who in her written
complaint has stated that petitioner had established physical
relation with her on promise of marriage but subsequently he
refused to marry her.

It has been submitted on behalf of the petitioner
that he is innocent and has committed no offence. He has been
falsely implicated in this case. There is no allegation of
establishing physical relation with the petitioner either forcibly
or without her will or consent and even assuming allegation was
true was consensual. Petitioner is in custody since



10.12.2018

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Miss. Simmi Kujur, learned Judicial Magistrate 1st, Khagaria, in connection with Khagaria Mahila P.S. Case No. 39 of 2018, subject to 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 properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.
- (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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