

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11259 of 2019**

Arising Out of PS. Case No.-341 Year-2018 Thana- KADWA District- Katihar

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DIWAKAR @ DWARIKA VISHWAS @ DIWAKAR VISHWAS S/o Shyam
Vishwas R/o- Kachora, P.S.- Kadwa, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh
For the Opposite Party/s : Mr.Ramchandra Sahni

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 02-04-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Kadwa P.S. Case No. 341 of 2018 registered for the offence punishable under Sections 376, 354, 506 of the Indian Penal Code and 67 of I.T. Act.

Informant in her written complaint has stated that her husband used to remain outside to earn his livelihood. On 01.07.2018 at about 11:00 PM petitioner entered into her house and raped her and she narrated the whole story to her family and a Panchayati was held in which petitioner did not turn up and he fled away to Punjab. On 29.09.2018 he returned back to his village and on 30.09.2018 when she was going to attend the call of nature, he again tried to commit rape upon her but on alarm



being raised by her, he fled away.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case due to dirty village politics. It has been further submitted that occurrence took place on 01.07.2018 but FIR was lodged on 01.10.2018 after a delay of two months. Petitioner has no criminal antecedent and he is in custody since 03.10.2018.

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 learned A.D.J. 1st cum-special Judge, Katihar, in connection with Kadwa P.S. Case No. 341 of 2018 subject to the conditions that:-

(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 his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty



to cancel his bail bond.

(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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