

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23168 of 2019

Arising Out of PS. Case No.-136 Year-2018 Thana- KURSAILA District- Katihar

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GOPAL SINGH@ Gopal Kumar Singh Son of Rambhajan Singh Resident of
Village-Balthi Maheshpur, Police Station- Kursela, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Prasad

For the Opposite Party/s : Mr.R.P.Nat, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 12-04-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 341/323/376/420/34 IPC registered in connection with Kursela P.S. Case No. 136/2018.

3. It is submitted that the petitioner has been falsely implicated and as a matter of fact the informant had earlier filed Complaint Case No. 987/2018 for the same occurrence. It is further submitted that in any event the informant is a mature lady of 35 years of age and in such case the ingredients of the offence under Section 376 IPC alleging rape by reason of the petitioner resiling from his promise of marriage cannot be said to be made out. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, Katihar, in connection with Kursela P.S. Case No. 136/2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also



subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioner.
- ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.
- v. The provisional bail granted to the petitioner shall be confirmed by the learned Court below upon verification that the informant had earlier filed Complaint Case No. 987/2018 with the similar accusation relating to the present occurrence. In case the petitioner's claim fails upon verification, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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