

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.78209 of 2018**

Arising Out of PS. Case No.-144 Year-2018 Thana- AMDABAD District- Katihar

Sk. Jony, S/o SK. Kalu, R/o Bairiya, P.S. Amdabad, Distt.-Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                             |
|--------------------------|---|-----------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Krishna Prasad Singh, Sr. Advocate<br>Mr. Sanjeev Kumar Singh, Advocate |
| For the Opposite Party/s | : | Mr. Md. Ashlam Ansari (APP)                                                 |

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL ORDER**

4      07-03-2019                      Heard learned counsel for the parties.

Petitioner seeks bail in Amdabad P.S. Case No. **144 of 2018** registered for the offence punishable under Sections 376, 506 of the Indian Penal Code.

Allegation against the petitioner is to have committed rape upon the informant while she was sleeping with her children in her house.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case due to personal grudge of the informant. It has further been submitted that informant had taken some money from the petitioner which was demanded by the petitioner but she was not willing to repay the amount and as such, a false and concocted story has been cooked up to implicate the petitioner. In her statement



recorded under Section 164 of Cr.P.C., she has stated different story. No injury was found on her body or private part. No sign of rape was found in Medical report. Petitioner has no criminal antecedent and he is in custody since 17.10.2018.

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/- with two sureties of the like amount each to the satisfaction of learned C.J.M., Katihar in connection with Amdabad P.S. Case No. **144 of 2018** , with following 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 the Court and his absence on two consecutive dates without sufficient reason, 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)**

Sanjay/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

