

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75458 of 2018

Arising Out of PS. Case No.-131 Year-2018 Thana- AMDABAD District- Katihar

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Arun Kumar Mandal Son of Balram Mandal the Resident of Village-Lal Bathani, P.S.-Amdabad, Distt.-Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh, Advocate

For the Respondent/s : Mr. Sanjay Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 15-01-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 03.10.2018 in connection with Amdabad P.S.Case No.131 of 2018 for the offence alleged under Sections 376/120B of the Indian Penal Code.

The complaint case was lodged by the informant being Complaint Case No.319 of 2018 which was sent under Section 156(3) of the Cr.P.C. and registered as P.S. case in which the complainant had alleged that the informant's husband was working at Delhi, the petitioner took her husband to his house where her husband committed suicide but the said incident was not reported to the police. Thereafter, the petitioner took the informant to his house and committed rape on the



pretext of taking care of her and providing her money.

It has been submitted by the learned counsel for the petitioner that he is innocent. The death of the informant's husband took place on 01.12.2017 which was never reported to the police and being a married widow lady, the complaint has been lodged after much delay, i.e., on 01.08.2018 and no plausible explanation has been given for such delay. He submits that the informant entered into a consented relation with the petitioner being a married widow lady and no offence has been committed by the petitioner. He further submits that chargesheet has already been submitted and there is no allegation of tampering of prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Amdabad P.S.Case No.131 of 2018 to the satisfaction of Ist Additional District & Sessions Judge-cum-Special Judge, Katihar subject to the following conditions:-

(i) One of the bailors would be a close relative of the



petitioner having sufficient immovable property, who will file
an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

B.Kr./-

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