

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59582 of 2019

Arising Out of PS. Case No.-136 Year-2019 Thana- SHAHKUND District- Bhagalpur

SUMAN KUMAR @ Suman Kumar Singh, aged about 24 years (Male), Son of Manoj Singh, Resident of Village - Chhatarpal, P.S.- Shahkund, Dist.- Bhagalpur (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Adv.

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 20-11-2019 Heard learned counsel for the petitioner and
learned counsel for the State.

In this case, the petitioner is seeking regular bail in connection with Shahkund P.S. Case No.136 of 2019, registered for the offence under Section 376 of the Indian Penal Code.

Allegation has been made that in the night when the informant woke up, found that the petitioner committing rape upon her daughter, thereafter, she closed the door, called the Police and handed over the petitioner to the Police.

Learned counsel for the petitioner submits that this is not the real fact rather the fact is that while the petitioner was going in day time, he was caught hold and later on, he was handed over to the Police. He further submits that earlier also



identical case was lodged against the petitioner by the informant side vide Complaint Case No. 177 of 2018 and this Court vide order dated 11.03.2019 passed in Criminal Miscellaneous No. 4342 of 2019, granted anticipatory bail to the petitioner having recorded that both were consenting party to the incident.

Considering the aforesaid facts, 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 to the satisfaction of the Chief Judicial Magistrate, Bhagalpur, in connection with Shahkund P.S. Case No. 136 of 2019, subject to the condition that (i) one of the bailors shall be a close relative of the petitioner i.e. mother/father/brother/wife (ii) if the petitioner is found involved in future in similar type of case, the prosecution will be at liberty to make prayer for cancellation of bail and (iii) the petitioner would cooperate in the proceeding of the court below. In the event of failure to appear on two consecutive dates, the court below will be at liberty to pass appropriate order including cancellation of bail bonds of the petitioner.

(Shivaji Pandey, J)

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