

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72495 of 2018

Arising Out of PS. Case No.-57 Year-2016 Thana- MAHILA P.S. District- Patna

Santosh Kumar Shalabh Son of Vivekanand Yadav Resident of Mohalla-
Jagjivan Path, Ward No.13, Police Station-Madhepura, District -Madhepura

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Uday Chand Prasad, Advocate
For the Opposite Party	:	APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 12-03-2019 Heard learned senior counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 376, 323, 504, 506, 341, 344 and 306 of the Indian Penal Code and Section 66 (D) of the I.T. Act registered in connection with Mahilla P.S. Case No. 57 of 2016.

3. It is submitted that the petitioner has been falsely implicated and the informant had been medically examined in which she was found to be 32-35 years of age and hence she is a matured lady. It is submitted that the informant and the petitioner had been living together for the last five years and were travelling together from time to time. It is further submitted that age of the younger sister of the informant is 25-26 years and there is nothing to suggest from her statement recorded under Section 164 of the Cr.P.C. that rape was committed upon her.

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 anticipatory bail on furnishing bail bond of



Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Smt. Priya Shekhar, learned Judicial Magistrate, 1st Class, Patna in connection with Mahilla P.S. Case No. 57 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with 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 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.

(iv) That the petitioner shall cooperate 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.

5. The provisional bail granted to the petitioner shall be confirmed after verification from the statement of the informant's younger sister under Section 164 of the Cr.P.C. that she has not made any accusation against the petitioner of having committed rape upon her. In case the said claim is not found verifiable, the provisional anticipatory bail shall stand automatically cancelled.

BT/-

(Vikash Jain, J)

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