

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68306 of 2018

Arising Out of PS. Case No.-40 Year-2017 Thana- MAHILA P.S. District-
Sitamarhi

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Rakesh Kumar @ Rakesh Sah Son of Pathlu Shah, Resident of Village-
Mirchai Patti, Ward No.9, P.S. and District- Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur

For the Opposite Party/s : Mr.Anil Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 16-01-2019 Heard learned counsel for the petitioner and learned APP for the
State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 376,506/120(B) IPC registered in connection with Sitamarhi Mahila P.S. Case No. 40 of 2017.

3. It is submitted that the petitioner has been falsely implicated as there was no occasion for the petitioner to promise marriage to the informant as he is already a married man. It is submitted that the informant who is major had established physical relation voluntarily with the petitioner as far back as in the year 2016. The FIR has been instituted after an inordinate delay on 21.06.2017 since the first alleged occurrence in July,2016 and the last occurrence on 16.06.2017. Moreover, the FIR has not been instituted in respect of the offences related to the accusation of the petitioner having taken the informant away and kept her locked in a room where he has alleged to have established physical relation with her. The petitioner claims clean antecedents.

4. Be that as it may, having regard to the entirety of the facts and circumstances, 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 bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with Sitamarhi Mahila P.S. Case No. 40 of 2017, 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.

Chandran/-

(Vikash Jain, J)

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