

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13057 of 2020

Arising Out of PS. Case No.-59 Year-2019 Thana- MAHILA District- Munger

SANTOSH YADAV @ SANTOSH KUMAR @ KISTA Son of Jagarnath
Yadav @ Jugal Yadav @ Yugal Kishore Yadav Resident of Village - Matadih,
Paharpur, P.S.- Dharahra, District- Munger

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratnakar Ambastha

For the Opposite Party/s : Mr.Shyam Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 03-03-2020

Heard learned counsel for the parties.

This application for regular bail arises out of Mahila
P.S. Case No. 59 of 2019, disclosing offences punishable under
Sections 448, 354, 376 and 511 of the Indian Penal Code.

There is allegation against the petitioner of having
attempted to outrage the modesty of the informant.

Learned counsel appearing on behalf of the petitioner
has submitted that the statement of the victim has been recorded
under Section 164 of the Cr.P.C. The statement made under
Section 164 of the Cr.P.C. is inconsistent with the allegation
made in the F.I.R. inasmuch as in her subsequent statement, she
has stated that it was on the call given by the informant that the
petitioner had allegedly come at the place of occurrence. On



perusal of the F.I.R. and the statement of the alleged victim recorded under Section 164 of the Cr.P.C., I find some force in submission made on behalf of the petitioner.

Be that as it may, considering the above noted facts and circumstances and statement made on behalf of the petitioner that he is in custody since 09.01.2020, this application is allowed.

Let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Munger in connection with Mahila P.S. Case No. 59 of 2019.

(Chakradhari Sharan Singh, J)

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