

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20095 of 2020**

Arising Out of PS. Case No.-81 Year-2019 Thana- MANSURCHAK District- Begusarai

SONU KUMAR, Son of Vinod Sah @ Vinod Kumar Resident of Village-
Jogia, P.S.- Alauli, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur- Advocate

Ms. Babita Kumari- Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh- A.P.P.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 08-09-2020 Heard learned counsel appearing for the petitioner as well as learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner is in custody since 05.12.2019 and seeks bail in connection with Mansurchak P. S. Case No.81 of 2019 registered for the offences punishable under Sections 341, 323, 504, 506, 313, 376 of the I.P.C.

Informant has admitted in her written report that petitioner solemnized his marriage with her, but subsequently, petitioner started torturing her and, on one occasion, the five persons, who were friends of petitioner, committed rape on her.

Learned counsel appearing for the petitioner submits that the further statement of informant has been recorded at Para-12 of the case diary and in the aforesaid statement, she has



nowhere stated about the story of rape.

On the other hand, learned Additional Public Prosecutor opposed the prayer.

The perusal of case diary goes to show that the statement of victim was recorded under Section 164 of the Cr.P.C. on 24.10.2019 i.e. after one month of the registration of the present F.I.R. No doubt, the informant has supported the factum of rape in her statement recorded under Section 164 of the Cr.P.C., but admittedly, the statement of informant under Section 164 of the Cr.P.C. was recorded after one month of registration of the F.I.R.

Considering the aforesaid facts and circumstances of the case as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV, Begusarai in connection with Sessions Trial No.60 of 2020 arising out of Mansurchak P. S. Case No.81 of 2019.

(Hemant Kumar Srivastava, J)

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