

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17956 of 2020

Arising Out of PS. Case No.-34 Year-2019 Thana- NADI District- Supaul

CHANDAN KUMAR @ RAM KRISHNA KUMAR Son of Munsii Pandit
Resident of Village - Korihar, Lokhi, P.S.- Andhramath, Distt - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vijay Kumar
For the Opposite Party/s	:	Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 13-11-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 366(A) and 376/34 of the Indian Penal Code as well as under Section 4/6 of the POSCO Act.

Informant who is victim has alleged in her written complaint that she used to go to coaching centre where she met accused, petitioner Chandan Kumar and intimacy developed between them and petitioner proposed to marry her. On 9.10.2019 at about 12.15 in the night he came to his house with three other person and asked her to accompany them and he will solemnize marriage with her and thereafter they forcibly took her away on motorcycle and petitioner committed rape with her



and after leaving her all fled away.

It is submitted on behalf of petitioner that he is innocent and has been falsely implicated in this case to pressurize him to marry informant. The incident is of 09.10.2019 but FIR was instituted on 14.10.2019. The victim has been subjected to medical examination and her age has been assessed to be between 17 to 19 years. No injury has been found on any part of the body either internal or external. No confirmatory findings of rape is present. Petitioner has no criminal antecedent and is in custody since 7.11.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount in connection with POCSO Case No.55 of 2019 arising out of Supaul Nadi P.S. Case No.34 of 2019 to the satisfaction of learned court below where the case is pending, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable



reason will be sufficient to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Sanjay/-

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