

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 76529 of 2019**

Arising Out of PS. Case No.-927 Year-2017 Thana- SITAMARHI District- Sitamarhi

DEEPU KUMAR @ DEEPU @ PURUSHOTTAM RAJ ANAND @
PURUSHOTTAM ANAND @ TIPU Son of Shivji Sah Resident of - Clinic
Hospital Road, P.S.- Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms Smiti Bharti, Advocate
For the Opposite Party/s : Ms Meena Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 09-09-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in Trial No 16 of 2018 arising out of Sitamarhi Police Station (for brevity, PS) Case No 927 of 2017 instituted for the offence punishable under Section (s) 341, 342, 323, 376, 504, 506 of Indian Penal Code.



Against the petitioner, there is allegation of subjecting the informant to rape and attempted administration of sedative. The informant claims herself in the present case to be minor aged about 17 years.

The petitioner had earlier approached this Court in Cr Misc No 17047 of 2018. Prayer for bail was rejected on 27.04.2018.

Petitioner's counsel submits that it is a case of false implication based on extraneous considerations. Developments, after rejection of the prayer for bail on the last occasion, are relevant. On 17.05.2019, informant has filed a petition in the Court below expressing her willingness to solemnize marriage with the petitioner. The same finds mention in the order of rejection dated 17.09.2019 by the Court below. The petitioner is now in custody since 14.11.2017, i e, two months short to 3 years. Till now, only two, out of nine prosecution witnesses, have been examined though the Court is making various efforts by issuing even non-bailable warrants to ensure that the witnesses are produced.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is



allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I -cum- Special Judge (Prevention of Children from Sexual Offence Act), Sitamarhi in Trial No 16 of 2018 arising out of Sitamarhi PS Case No 927 of 2017 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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