

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80955 of 2019

Arising Out of PS. Case No.-103 Year-2019 Thana- MAHILA P.S. District- Patna

PANKAJ KUMAR Son of Late Dwarka Prasad Sah Resident of Choti Pahari,
Agam Kuan, P.S.- Agam Kuan, District- Patna (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandeep Kumar, Advocate.
Mr. Saket Gupta, Advocate.
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 16-03-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the
offence punishable under Section 376(D) of the Indian Penal
Code.

Informant alleges that the petitioner ravished her in a
hotel. F.I.R. was lodged after 54 days of the occurrence.

While calling for case diary, a co-ordinate Bench of
this Court vide order dated 10.12.2019 recorded as follows:-

“It has been submitted on behalf of the petitioner that
on many earlier occasions, the prosecutrix has lodged similar
nature of cases against one Nityanand Sharma and his
associates. In this instance, the petitioner has been made
accused at the instance of the prosecutrix because he is also one
of the associates of aforesaid Nityanand Sharma. The petitioner



is associated with an investment company of aforesaid Nityanand Sharma.”

Petitioner is in custody since 27.09.2019. Investigation of the case is already complete.

Considering the background of the allegation which creates doubt on the prosecution version for the purpose of consideration of prayer for bail, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Mahila P.S. Case No. 103 of 2019, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

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