

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28860 of 2021

Arising Out of PS. Case No.-105 Year-2019 Thana- TARAPUR District- Munger

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RUPESH KUMAR Son of Kailash Singh Resident of Village - Gogachak,
P.S. - Tarapur, Distt. - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kamal Nayan, Adv

For the Opposite Party/s : Ms. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 08-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with S.T. No. 323/2019 arising out of Tarapur P.S. Case No. 105 of 2019 registered under Sections 376, 354B, 354C and 34 of the Indian Penal Code and Section 66E of the I.T. Act.

Based on a picture of the petitioner committing rape upon unknown lady, FIR has been lodged.

The petitioner's counsel submits that it is a case of false implication. No such occurrence took place and the alleged



victim of rape has not been traced out, or coming forward to make any grievance. The petitioner's prayer was earlier rejected on 02.06.2020 in Cr. Misc. No. 12661 of 2020. The petitioner's counsel has submitted in the instant proceeding that he continues to be in custody since 19.7.2019, i.e., more than two years, based on false implication as there is no progress at the trial.

It was in this background report was requisitioned from the trial court. Report dated 23.11.2021, received from the court of 1st Additional Sessions Judge, Munger, indicates that no witness has been produced by the prosecution.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. 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 Addl. Sessions Judge 1, Munger in S.T. No. 323/2019 arising out of Tarapur P.S. Case No. 105 of 2019, 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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