

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31146 of 2020**

Arising Out of PS. Case No.-82 Year-2018 Thana- WAJIRGANJ District- Gaya

=====

BACHU PRASAD @ NETAJEE S/o Sheo Nandan Mahto Resident of Mehta  
Market Wazirganj, P.S.-Wazirganj, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Md. Harun Quareshi, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

3      30-01-2021                      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 of the Indian Penal Code.

The informant is aged about 28 years. She alleges  
that the petitioner's wife is already dead and petitioner had  
allured her for marriage and on that pretext petitioner  
established physical relation with her. Later on petitioner  
refused to marry with her. The statement under Section 164  
Cr.P.C. of the informant reveals that she was forcefully raped by  
the petitioner. The petitioner is in custody since 15.02.2020.  
The petitioner has got no criminal antecedent.

The material available on the record reveals that the  
victim was a consenting party and was mature enough to take



decision of her future.

Hence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (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 Wazirganj P.S. Case No.82 of 2018, 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)**

Mkr./-

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