

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46068 of 2021**

Arising Out of PS. Case No.-41 Year-2021 Thana- MAHILA PS District- Darbhanga

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KESHNATH KUMAR @ KESHNATH YADAV Son of Nathuni Yadav
Resident of Village - Phulwariya, Pokhar Bhinda , Tardih, P.O.- Lagma
Rambhadrapur, P.s.- Sakatpur, Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jagjit Roshan, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 13-12-2021 Let the defect(s), if any, as pointed out by the Office,

be removed within four weeks of start of normal functioning of

the physical Court.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks regular bail in connection with

Mahila P.S. Case No.41 of 2021 registered for the offence under

Sections 376, 313 and 506 of the IPC.

As per prosecution case, it is a case of sexual relation

between the informant and the petitioner.

Learned counsel for the petitioner submits that the

petitioner has clean antecedent and he has falsely been

implicated in the present case. He further submits that, in fact,



the petitioner was apprehending implication in a false case, as such, petitioner filed an informatory petition bearing Informatory Petition No. 96 of 2021 dated 25.01.2021. (Annexure-2) He further submits that it appears from the statement of the victim girl recorded under Section 164 of the Cr.P.C. that the petitioner has refused to marry her and, in fact, neither the specific date of occurrence nor the specific time of occurrence was given. (Annexure-3). He further submits that from perusal of the Medical Report, it appears that the doctor has not suggested that the informant was sexually assaulted (Annexure-4). Petitioner is in custody since 17.04.2021.

However, learned APP for the State vehemently opposed the prayer for regular bail of the petitioner.

Considering the period of custody of the petitioner as well as the aforesaid facts, the above named petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Darbhanga in connection with Mahila P.S. Case no. 41 of 2021 with following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(iii) 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.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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