

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.35974 of 2020**

Arising Out of PS. Case No.-35 Year-2020 Thana- CHANDAN District- Banka

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SANJIT DAS @ SANJIT KUMAR DAS son of Arjun Das Resident of
Village- Lalmatiya (Pailwda), P.S. Banka, District- Banka

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 07-07-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner in the present case is seeking regular bail in connection with Chandan P.S. Case No. 35 of 2020 registered for the offences punishable under Sections 376 and 506/34 of the Indian Penal Code and Section 67 of the I.T. Act. He is in custody since 25.02.2020.

Learned counsel for the petitioner submits that the victim in the present case is 45 years old labourer and because of the dispute over the payment of wage, the present case has been lodged making a false allegation that the petitioner had committed rape upon her.

Learned counsel submits that the alleged rape is said



to have been committed while the victim had gone with the petitioner on his motorcycle. She accepts that she is known to the petitioner for last ten years.

Learned counsel further submits that in her statement under Section 164 Cr.P.C. she has changed her version and alleged subsequently that the petitioner had tried to commit rape on her but because few persons came there she was saved.

Learned A.P.P. for the State has gone through the case diary and submits that in course of investigation no independent witness has come forward to support the allegation even as in the F.I.R. In her statement under Section 164 Cr.P.C. the victim claims that 2-3 unknown persons had come there and they were in drunken condition and she was taken alongwith them towards the forest area.

Having regard to the facts and circumstances of the case and statement of the victim under Section 164 Cr. P.C. in which she says that she was taken for work as a labourer at Mohanpur Hat and there along with this petitioner 2-3 other unknown persons had come and had taken her towards forest area, the fact that the petitioner and the lady were known to each other, the lady had proceeded with the petitioner on his motorcycle on her own, the medical report not talking about any



sign of rape, the petitioner is in custody since 25.02.2020, investigation against him is complete but the trial is not likely to take place in near future, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Chandan P.S. Case No. 35 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

