

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39600 of 2020

Arising Out of PS. Case No.-156 Year-2020 Thana- BAJPATTI District- Sitamarhi

SHYAM KUMAR Son of Ram Shresth Mahto Resident of Village -
Keshopur, Dadhi, P.S.- Bajpatti, District - Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Pankaj Kumar Singh, Advocate Mr. Santosh Kumar, Advocate'
For the Opposite Party/s	:	Mr.Arun Kumar Pandey, APP
For the Informant	:	Mr. Chhotelal Mishra, Advocate Mr. Amrendra Kumar Singh, Afvocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 22-03-2021 Heard learned Counsel for the petitioner and the learned
Counsel for the State as also the learned Counsel appearing for the
informant.

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 Bajpatti PS Case No. 156 of 2020
registered under Section 376 of the IPC and Section 4 of Pocs0 Act.

The informant has alleged that the pititoner has taken her
away to his house and committed rape. In the FIR she claims to be 15
years old.

Placing reliance on the medical report, copy of which is
Annexure 3, learned Counsel for the petitioner submits that the
doctor has opined the age of the victim to be nearly 18 years and
could not conclude that any rape has been committed. The FIR has
been lodged three days after the occurrence and the victim in her
deposition has denied the prosecution case and even refused to



recognise the petitioner, though in the FIR she has specifically made allegation against him. The petitioner has no criminal antecedent and he is in custody since 10.8.2020.

Learned APP for the State and the learned Counsel for the informant are unable to dispute the said submissions based on certified copy of the deposition, which is also being supplied for records of this court.

Considering the rival submissions as also the facts and circumstances of the case, 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 Additional Sessions Judge No. 6, Sitamarhi in Bajpatti PS Case No. 156 of 2020 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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