

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6270 of 2021**

Arising Out of PS. Case No.-53 Year-2020 Thana- MAHILA P.S. District- Kaimur (Bhabua)

RAM NARAYAN TURIYA @ RAM TURIYA Son of Kishundev Turiya @
Kishun Dev Resident of Village - Maukala, P.S.- Rampur (Barkoniya),
District - Sonbhadra (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Tribhuwan Narayan, Adv.
For the Opposite Party/s	:	Mr.Bal Mukund Prasad Sinha, APP
For the Informant	:	Mr.Ranjay Kumar Patel, Adv.

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

4 24-08-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P.
for the State.

Petitioner in the present case is seeking regular bail in connection with Bhabhua Mahila P.S. Case No.53 of 2020 registered for the offences punishable under Sections 363 and 376 of the Indian Penal Code. He is in custody in connection with this case since 28.08.2020.

As per the prosecution story, this petitioner happens to be the brother-in-law (Bahnoi) of the informant (victim) who is not on good term with his wife. It is alleged that the petitioner came to his sasural and by alluring her sister-in-law (informant) he took her to his

village where he forcibly established physical relationship with her. When this came to the notice of the family members of the informant then her brother came to the house of the petitioner on 04.08.2020 and took her to his village. Nine days thereafter on 13.08.2020 the present FIR has been lodged.

Learned counsel for the petitioner submits that the present case has been lodged immediately after the petitioner got bail in Barconiya P.S. Case No.05/2019 registered under Sections 498(A), 323 and 506 I.P.C. in the State of Uttar Pradesh in which the petitioner got bail. The case has been lodged by the sister of the present informant and it is highly improbable that the petitioner who is not having a good relationship with his wife will visit the house of his wife and then her sister-in-law will accompany him to his village without any knowledge to the family members. It is pointed out that the informant claims to have gone with the petitioner on 11.07.2020, the brother of the informant came on 04.08.2020 and the FIR has been lodged on 13.08.2020. Apart from the bald statement of the informant whose statement cannot be taken as sacrosanct, there is no other material to connect the petitioner with this case.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case and the submissions of learned counsel for the petitioner noted hereinabove, further that the petitioner has remained in custody in

connection with this case for about one year and investigation against him is complete, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Kaimur at Bhabua in connection with Bhabua Mahila P.S. Case No.53/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(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'.