

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8949 of 2021

Arising Out of PS. Case No.-76 Year-2020 Thana- KASHICHAK District- Nawada

Chandan Kumar aged about 25 years, (Male) son Hari Ravidas, Resident of village-Devdha Police Station Deep Nagar District- Nalanda (Biharsharif)

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioner : Mr. Baxshi S. R.P.Sinha Sr. Advocate with Mr. Prem Ranjan Kumar, Adv.

For the State : Mr. Md. Mustaque Alam APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 06-07-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

2 Learned senior counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

3. Heard learned senior counsel for the petitioner and learned counsel for the State.

4. The petitioner seeks bail in Kashichak (Shahpur O.P.) PS Case No.76 of 2020, instituted for the offence under Sections 354 and 376 of the Indian Penal Code.

5. The informant is '*Bhabhi*' of the petitioner's '*Bhabhi*'. She, as per prosecution case, was asked to come for settling a matrimonial dispute of the petitioner's *Bhabhi*. While on way, it is alleged that in the car, the petitioner has misbehaved with her. In this context, there is allegation that earlier also the petitioner has committed rape and prepared a video.

6. The learned senior counsel for the petitioner submits that based on subsisting matrimonial dispute of the petitioner's



‘*Bhabhi*’ under some misconception the FIR was lodged for extraneous consideration. It is submitted that alleged rape committed earlier is palpably false as prior to the lodgment of the FIR in-question, no such allegation has been made against the petitioner. After interference by family and well wisher, the informant has realized her mistake and has filed a petition in the Court stating therein that she does not wish to proceed with the case. The petition dated 01.10.2020 has been placed on record as Annexure-2 to the bail application. The petitioner, having no criminal antecedent, is stated to be in custody since 08.06.2020.

7. The learned APP representing the State has opposed the prayer for bail.

8. Considering the rival submissions, let the petitioner, above named, 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 the learned **ACJM Ist Nawada**, in connection with **Kashichak (Shahpur O.P.) PS Case No.76 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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