

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26571 of 2022

Arising Out of PS. Case No.-399 Year-2021 Thana- PUPRI District- Sitamarhi

SHANTI PRAKASH KUJUR S/o Dasai Kujur @ Paul Biswas Kujur R/o
village- Juriya Karam Toli, P.S.- Lohardaga, Distt.- Lohardaga, at Present
A.S.I. of Mahindwara, P.S.- Mahindwara, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate.

For the Opposite Party/s : Mr. Anil Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-08-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Sanjay Kumar, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Pupri P. S. Case No. 399 of 2021
registered for the offences punishable under Sections 376 of the
Indian Penal Code.

As per the prosecution case, it is alleged that while
the petitioner was posted as A.S.I. in Pupri police station in the



year 2018, he had developed relationship with the informant, who is a widow woman and used to sell fruits. It is also alleged that in the last three years the petitioner had been in relationship with the informant and on the pretext of marriage, he made physical relationship. It is further alleged that when the informant asked him for marriage, this petitioner get his transfer done to Mahindwara police station and went there.

Learned counsel appearing on behalf of the petitioner submitted that this petitioner is a public servant aged about 52 years, having a family and so far the informant is concerned, she is a widow lady, aged about 40 years and both the petitioner and the informant were matured persons and in fact, from the tenor of the F.I.R. it is evident that both of them were consenting parties. It is next submitted that since there was some dispute with regard to some financial assistance made by the petitioner and when the demand was made, the present F.I.R. has been instituted. It is further submitted that the petitioner having fair antecedent, is in custody since 18.02.2022 and there is no allegation that he has ever made any relationship against the consent of the informant.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner



being a public servant has indulged in alluring the lady and have made physical relationship with a widow lady.

Having considered the submissions made on behalf of the parties and taking into account the mature age of the informant as also the fact that there has never been any complaint against the petitioner before the institution of the present case, apart from the fact that the petitioner having fair antecedent, is in custody since 18.02.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Pupri at Sitamarhi in connection with Pupri P. S. Case No. 399 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates
without any cogent reason, his bail bonds will
liable to be cancelled.

(Harish Kumar, J)

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