

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43367 of 2021

Arising Out of PS. Case No.-33 Year-2021 Thana- MAHILA P.S. District- Samastipur

Sandeep Anand S/O Ganesh Prasad Rajak R/O Village-Juran Chhapra
Brahampura, P.S-Muzaffarpur, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Braj Kishore Pd.(A.P.P.)

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 19-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 376, 420 of the Indian Penal Code.

According to prosecution case, as per F.I.R., the allegation against the petitioner is that he was working in a Bank and known to the informant. She visited the bank to open a account then he recognised her and also helped her in opening her bank account. He started chatting with her and also proposed her for marriage which she refused. Thereafter, he gave her a mobile phone and started chatting with her. He took



her to his rental room and assured her for marriage and then she established physical relation with him. Thereafter, he has been transferred to another place and even then he continuously established physical relation with her.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as statement of victim girl under Section 164 Cr.P.C. that the allegation of sexual assault against the petitioner is false and fabricated and the same was with the consent of the victim girl. He further submits that it appears from the material available on the record and para 26 of the case diary that she has refused to examine before the medical board. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 18.06.2021.

The learned A.P.P. has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 Court



below where the case is pending in connection with Mahila P.S.

Case No. 33 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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