

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49727 of 2021

Arising Out of PS. Case No.-25 Year-2019 Thana- KALYANPUR District- Samastipur

Sunny Gupta @ Sanny Gupta Son Of Dilip Gupta Resident Of Village -
Kalyanpur, P.S.- Kalyanpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar NO.III, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 06-07-2022 The applicant is accused in Crime No. 25 of 2019 registered with Kalyanpur Police Station for the offences punishable under Section 366 read with Section 34 of the Indian Penal Code and Section 376 of the Indian Penal Code. By this application he is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused as well as learned Additional Public Prosecutor appearing for the State.

It is argued on behalf of the applicant that the victim girl has not supported the prosecution case during her evidence before the learned trial Court. It is further argued that despite lapse of period of six months, the trial is not concluded and therefore the instant application is filed.



I have considered the submissions so advanced and also perused the materials placed before me.

According to the prosecution case, the applicant had forcefully taken the victim in Bolero vehicle and she was then kept at the house of one Priyanka situated at Varanasi. There the applicant was having sexual relations with her.

Even in her deposition before the Court during the course of trial, the victim girl has stated that the applicant had kept her in the house of one Priyanka and there he was having sexual relation with her.

The question which falls for consideration is whether such sexual intercourse was amounting to rape under Section 375 of the Indian Penal Code. The alleged victim in her statement before the Magistrate under Section 164 Cr.P.C. had stated her age as 20 years and before the Court she has stated her age as 22 years. She was as such adult at the time of the incident.

The applicant is undergoing pretrial detention although this Court had directed the conclusion of trial within a period of six months, the said order is not complied by the learned trial Court.

Considering the nature of the evidence and the fact



that the trial is not decided expeditiously as directed by this Court, I see no reason to refuse bail to the applicant and hence, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 25 of 2019 registered with Kalyanpur Police Station be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing two sureties of the like amount each to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the



instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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