

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58790 of 2021**

Arising Out of PS. Case No.-103 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

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Subodh Kumar S/O Bhim Mahto @ Bheem Mahto R/O Village- Sadpur, P. S-
Sahebpur Kamal, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Surendra Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-04-2022 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 learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The application has been filed for grant of bail to the
petitioner, above named, who has been made accused and put
behind the bar in connection with Sahebpur Kamal P. S. Case
No. 103 of 2021 registered for the offences punishable under
Sections 376, 328, 341 and 323 of the Indian Penal Code.

As per the prosecution case, it is alleged that the
marriage of the informant was solemnized in the year 2018 and



this petitioner used to guide and teach her. It is further alleged that the informant left her house on the allurement of this petitioner that she would be provided employment and this petitioner established physical relation with her.

It has been submitted on behalf of the petitioner that the informant is a married lady, aged about 18-19 years and she voluntarily left her house on the pretext of getting employment at the hands of this petitioner. It is next submitted that even from the F.I.R., it is evident that she left her house in the month of March, 2021 and thereafter, she remained with the petitioner for two months at Begusarai and thereafter, this case has been instituted but during the period of two months, she never raised any hue and cry nor filed any complaint before any authority. There is no allegation that the victim was kept in confinement. It is further submitted that the victim was produced before the Medical Board and her age has been assessed in between 18-19 years and further no evidence of recent sexual assault found on the victim. It is lastly submitted on behalf of the petitioner that this petitioner is in custody since 21.05.2021 and having no criminal antecedent and moreover, the investigation has been completed and charge-sheet has already been submitted and there is no chance of absconding of



the petitioner and tampering the evidence.

On the other hand, learned APP for the State opposes the bail application of this petitioner and submits that this petitioner on the pretext of providing employment has committed rape upon the victim.

Having heard the submissions made on behalf of the parties and taking into consideration this fact that the informant voluntarily left her house and remained with the petitioner for two months and, in the meantime, she never made any complaint nor tried to escape. Apart from the fact that she is a married lady aged about 18-19 years. Further, the petitioner having no criminal antecedent and is in custody since 21.05.2021. 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 Chief Judicial Magistrate, Begusarai in connection with Sahebpur Kamal P. S. Case No. 103 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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