

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13116 of 2023**

Arising Out of PS. Case No.-49 Year-2022 Thana- MAHILA P.S. District- Rohtas

=====

TANNU SAI @ TUNNA SAI @ KURBAN SAI S/O LATE TENGARI SAI
@ MUMTAJ SAI Resident of village- Takiya, Banda, P.S.- Sasaram (Town),
District- Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Adv.

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

=====

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 21-06-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Sessions
Trial No. 21 of 2023 arising out of Mahila P.S. Case No. 49 of 2022
registered for the offence under Sections 376 and 504 of the
Indian Penal Code.

The petitioner is alleged to have established physical
relation with the informant on the false pretext of marriage.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the allegation, as alleged in the F.I.R., is false and fabricated and
the petitioner has not committed any offence. He further submits
that the informant is a married lady and her husband has left her



and this false case has been lodged by the informant just to put pressure upon the petitioner to perform marriage with her. He further submits that no such occurrence has taken place nor the medical report supports the allegation as alleged in the F.I.R. He further submits that the date of occurrence is of February, 2022 and the medical report dated 12.08.2022 suggest that the informant is having pregnancy of 36 months i.e. of nine months. The medical report itself creates contradiction between the allegation leveled against the petitioner as if the occurrence took place in February, the pregnancy might have been of seven months on the date of medical examination i.e. 12.08.2022 but the medical report depicts nine months of pregnancy of the informant. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 12.08.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Additional District Judge-VII, Rohtas at Sasaram in connection with Sessions Trial No. 21 of 2023 arising out of Mahila P.S. Case No. 49 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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)

brajesh/-

U		T	
---	--	---	--

