

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20676 of 2023

Arising Out of PS. Case No.-73 Year-2022 Thana- BENIPATTI District- Madhubani

MAHESH SAH @ MAHESH KUMAR SAH Son of Late Sarobar Sah
Resident of village - Samda, P.S.- Benipatti, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. D.K. Singh, Sr. Adv. Mr. Gagan Deo Yadav, Adv. Mr. Vinod Kumar, Adv. Mr. Ravi Prakash, Adv.
For the Opposite Party/s :		Mr. Lalan Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-07-2023 Heard Mr. D.K. Singh, learned senior counsel for the
petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Benipatti
P.S. Case No. 73 of 2022 registered for the offence under Sections
341, 323, 504, 506, 376/34 of the Indian Penal Code.

The petitioner is alleged to have established physical
relation with the informant on the pretext of marriage and
thereafter refused to perform marriage with her.

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
on bare perusal of the F.I.R., it appears that the occurrence is
alleged to have been committed in the year 2019 whereas the



instant F.I.R. has been lodged in the years 2022 after three year without any explanation. He further submits that the victim in her statement recorded under Section 164 Cr.P.C. has admitted that she was having love affairs with the petitioner and it has come during investigation that the victim was major and the relation between the petitioner and the victim was consensual. He further submits that according to the medical report, no evidence of physical assault was found on the person of the victim at the time medical examination. 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 10.01.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently 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 A.C.J.M.-1st, Benipatti, Madhubani in connection with Benipatti P.S. Case No. 73 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)

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