

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29732 of 2023

Arising Out of PS. Case No.-303 Year-2022 Thana- BASANTPUR District- Siwan

Sunny Kumar Son Of Suresh Mahato Resident of village-Korar Basantpur,
Police Station-Basantpur, District-Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 10-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Basantpur P.S. Case No. 303 of 2022 dated 01.07.0222
registered for the offences punishable under Sections 363,
366(A) and 506/34 of the Indian Penal Code.

3. The main submissions advanced by learned
counsel for the petitioner are that the petitioner earlier preferred
Cr. Misc. No. 54846/2022 for the relief of regular bail which
was rejected by this Court with a liberty to the petitioner to
renew his bail prayer after farming of charge and in the light of
the said liberty, the petitioner has now come again for the said
relief mainly on two fresh grounds, first, his long judicial
custody and second, change of the stage of petitioner's case and



in the present time, the petitioner's trial has started and upon him, the charge has been framed on 16.03.2023. Further submissions are that the petitioner has fair and clean antecedent and has been languishing in jail since 02.07.2022 and the Doctor, who examined the victim, did not find any sign of sexual assault on the person of the victim and the said medical expert's opinion is completely against the allegation of rape and moreover, the victim's statement recorded by her before the Judicial Magistrate, was a tutored statement. Further submissions are that as per the medical expert's opinion, the victim is 20 years old, in fact there was love affair in between the petitioner and the so-called victim and the said victim left her parent's house according to her own will and solemnized marriage with this petitioner but later on, she denied the said relationship.

4. Learned APP appearing for the State opposes the bail prayer of the petitioner.

5. Considering the above submissions and mainly the petitioner's custody period and change of the stage of petitioner's case, in my opinion, in the present circumstances, the petitioner is entitled to the privilege of bail. Accordingly, let the petitioner named-above be enlarged 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 Court concerned in connection with Basantpur P.S. Case No. 303 of 2022.

(Shailendra Singh, J)

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