

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29495 of 2023

Arising Out of PS. Case No.-81 Year-2023 Thana- PHULPARAS District- Madhubani

SUNIL KUMAR SINGH Sri Bhagirath Prasad VILLAGE BACHHOUNI P.S.
PHULPARAS DISTRICT MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. A.K. Thakur, Adv.
Mrs. Vaishnavi Singh, Adv.
Mr. Ritwik Thakur, Adv.
For the Opposite Party/s : Mr. Anil Kumar, APP
For the Informant : Mr. Gagandeo Yadav, Adv.
Mr. Ravi Prakash, Adv.
Mr. Vinod Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2023 Heard Mr. A.K. Thakur, learned counsel for the

petitioner and Mr. Ravi Prakash, learned counsel for the

informant as well as Mr. Anil Kumar, learned A.P.P. for the State.

The petitioner seeks bail in connection with Phulparas
P.S. Case No. 81 of 2023 registered for the offence under Sections
376 of the Indian Penal Code.

The petitioner is alleged to have established physical
relation with the victim 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 on bare perusal of the F.I.R., it appears that the petitioner allegedly established physical relation with the informant on the false pretext of marriage. He further submits that the allegation as alleged in the F.I.R. and the statement of the victim under Section 164 Cr.P.C. does not get support from the medical evidence. 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 13.02.2023.

Learned counsel for the informant as well as learned A.P.P. for the State opposed the prayer for bail of the petitioner and submits that there is direct allegation of commission of rape against the petitioner on the pretext of marriage.

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 Chief Judicial Magistrate-II, Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No. 81 of 2023 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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