

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34641 of 2023

Arising Out of PS. Case No.-34 Year-2022 Thana- MAHILA P.S. District- Lakhisarai

Kisun Kumar Singh @ Kisun Singh, Son of Bibekanand Singh, Resident of
Village- Bahorana, P.S.- Belhar, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Lakhisarai (Mahila) P.S. Case No. 34/2022 registered for the
offence under Sections 419, 420, 376, 354(B), 506 of the Indian
Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.03.2023.

The allegation against the petitioner is to commit rape
upon the informant/victim on the false pretext of marriage.

Learned counsel appearing on behalf of the petitioner
submitted that the petitioner implicated in this case out of
suspicion that he is married and cheated the informant/victim. It



is also submitted that this fact is apparent from the narration of the FIR itself. It is submitted that even as per FIR, petitioner solemnized marriage but as he could not solemnize marriage in presence of the society, the present false implication has been made. In support of submission, learned counsel relied upon the report of Hon'ble Supreme Court in the case of ***Sonu @ Subhash Kumar Vs. State of Uttar Pradesh*** reported in ***2021(3) BLJ, SC 171***. While concluding the argument, it is submitted that petitioner is a man of clean antecedent, working as police personnel and, moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as the allegation of rape raised *prima facie* out of false pretext of marriage, coupled with the fact that charge-sheet has already been submitted, where petitioner is in custody since 01.03.2023 accordingly, petitioner above named, is directed to be released on bail in connection with Lakhisarai (Mahila) P.S. Case No. 34/2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M.,



Lakhisarai/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with a further condition:-

(I) That petitioner shall not interact with informant/victim during the trial in any manner or to influence any witness, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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