

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40548 of 2022

Arising Out of PS. Case No.-114 Year-2021 Thana- RAFIGANJ District- Aurangabad

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Rakesh Kumar @ Rakesh Singh Son of Nandu Singh Resident of village -
Sonhathu, P.S.- Haspura, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 14-02-2023 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the

learned APP for the State.

Petitioner seeks regular bail in connection with

Rafiganj P.S. Case No. 114 of 2021 registered for the offences

punishable under Sections 376, 420 and 511 of the Indian Penal

Code.

As per the prosecution, the informant has alleged that

the petitioner made sexual relationship with her on the pretext of

marriage and also made an objectionable video of her. Further it

is alleged that the petitioner used to blackmail her on account of

objectionable video to continue sexual relationship with him

even after her marriage.

The main submissions advanced by learned counsel Mr. Anil Kumar appearing for the petitioner are that the petitioner has fair and clean antecedent and has been languishing in jail since 15.04.2021 and his trial has started and altogether six witnesses have been examined and the last witness was examined on 22.01.2022 and thereafter no progress has been made in the trial of the petitioner and as per the deposition of P.W. 4, who was a member of the Medical Board clearly stated before the trial Court that the victim denied for medical examination, owing to which the victim could not be examined medically by the Board and the victim examined as P.W. 1 accepted her relationship with this petitioner in the *Examination-in-Chief* and some other material witnesses went hostile and the copies of the depositions have been filed as Annexures 2 to 5.

Learned APP Mr. Anil Kumar appearing for the State has opposed the bail prayer.

Having considered the above submissions mainly the custody period of the petitioner and also the fact that the material witnesses have been examined in the trial of the petitioner and as per the above submission the prosecution's last

witness was examined on 22.01.2022 and since then no progress has been made in the trial of the petitioner and also taking into account the petitioner's fair and clean antecedent, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. 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 Rafiganj P.S. Case No. 114 of 2021.

(Shailendra Singh, J)

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