

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48712 of 2023

Arising Out of PS. Case No.-18 Year-2021 Thana- MAHILA PS District- Darbhanga

Kunal Kumar Pandey @ Rajan Pandey Son Of Mahesh Pandey Resident Of
Village- Bangara, Hardas, Ps-Kanti, Distt- Muzaffarpur Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Jha, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 06.06.2023 in connection with Mahila (Laheriasarai) P.S. Case No. 18 of 2021, F.I.R. dated 18.02.2021 for the offences punishable under Sections 376, 354(C) and 506 of the Indian Penal Code.

3. According to prosecution case, this petitioner established physical relation with the informant on the assurance of marriage with her but he refused to do so and on the protest made by the informant, the petitioner threatened her with making her obscene video public.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R that the victim is major and she was in relation



with the petitioner and there is no acquisition against the petitioner that he has forcefully established the physical relation with the victim/informant. He further submits that as per the allegation, the petitioner has committed sexual assault on the pretext of marriage but it has come during investigation that the victim is already a married lady and a divorce case is pending between the victim and her husband. He further submits that the victim has refused for her medical examination and the police after investigation submitted the charge sheet on 28.02.2023 against the petitioner. The petitioner is in custody since 06.06.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her but fairly submits that it has come during investigation that she has refused for her medical examination.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Additional



Sessions Judge I, Darbhanga in connection with Mahila (Laheriasarai) P.S. Case No. 18 of 2021, subject to the following conditions:-

i. 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. 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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