

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22173 of 2024

Arising Out of PS. Case No.-405 Year-2023 Thana- BAISI District- Purnia

Chandan Rishi son of Late Rupal Rishi Resident of Village - Chandragama,
Daka Toli PS - Baisi Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 12-11-2024

Heard the parties.

2. The petitioner is in judicial custody in connection with Baisi P.S. Case No. 405 of 2023 for the offences punishable under Sections 376 of the IPC lodged on 07.10.2023 by the informant, Most. Sufri Devi.

3. As per the prosecution story, the informant alleged that while she was sleeping in her court-yard, the petitioner came, put the curtains down and then on the point of knife committed rape. As the people started coming, he escaped. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that both are aged persons, blessed with children, though the lady had made allegation the medical report does not support completely the said allegation. Further, if granted relief,



petitioner will be diligently appearing in the trial and will under no circumstance coerce the informant/prosecution witnesses.

5. Learned APP opposes the prayer submitting that the lady has made allegation against this petition of having committed rape.

6. Taking into account the aforesaid facts as also submissions put forward by the parties, the charge-sheet stands submitted, it has been undertaken by the learned counsel for the petitioner that he will be diligently appearing in the trial and will under no circumstance coerce the informant/prosecution witnesses, has remained in custody since 04.11.2023 (para-4 of the petition) and has no criminal antecedent, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of Smt. Shweta Sharda, learned Judicial Magistrate 1st Class, Purnea in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member of the petitioner who shall provide official document to show his bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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