

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40617 of 2024**

Arising Out of PS. Case No.-5 Year-2024 Thana- MAHILA PS District- Jamui

Jitendra Tudu Son Of Kanahay Tudu Village- Gobardaha, Ps- Laxmipur Dist- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niranjan Parihar, Advocate
For the Opposite Party/s : Mrs. Renu Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 31-07-2024 Heard Mr. Niranjan Parihar, learned counsel for the petitioner, Mrs. Renu Kumari, learned APP for the State and perused the case diary.

2. The petitioner seeks bail in Jamui Mahila P.S. Case No. 05 of 2024, instituted for the offences punishable under Sections 376, 493, 341, 307, 504, 506/34 of the Indian Penal Code.

3. The prosecution case, in short, is that, on the pretext of marriage the petitioner made physical relation with the informant and on her denial the petitioner gave a blow on her head by means of *tangi*. Later on the petitioner denied to solemnize marriage with the informant and threatened to kill her.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner also submits that the parents of victim forcefully wanted to solemnize marriage of their daughter with the petitioner but he denied to do so because the victim is niece in relation. Learned counsel for the petitioner further submitted that neither statement of victim under Section 164 of Cr.P.C. has been recorded nor any medical examination has been made with regard to the allegation of physical relation. The petitioner is in custody since 19.01.2024 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Jamui Mahila P.S.



Case No. 05 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) 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.

(Rudra Prakash Mishra, J)

Rajorshi/-

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