

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45288 of 2024

Arising Out of PS. Case No.-417 Year-2019 Thana- SITAMARHI District- Sitamarhi

Somnath Yadav @ Shobhnath Yadav Son of Ganesh Yadav R/O Village-
Itahari, P.S.- Rasulpur, Dist.- Chapra (Saran)

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Kajal Kumari @ Sabina Khatoon W/O Yugesh Kumar Ram R/O Vill.- Bela
Bahadurpur, P.S.- Naanpur, Dist.- Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Prem Kumar Jha

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. In this case, the petitioner is seeking regular bail in
connection with Sitamarhi P.S. Case No. 417 of 2019, registered for
the offences punishable under Sections 366, 368, 376, 379/34 of the
IPC.

3. As per allegation, the petitioner lured the informant
from Sitamarhi to Kandra with promises of a high salary job. The
informant went with the petitioner and upon arrival, she was held
against her will, had her gold jewelry taken and the petitioner along
with an accomplice Prem Rai committed rape upon her. It is further
alleged that when the informant managed to inform her husband, he
came with the police to rescue her.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated. The present FIR has been registered on the basis of the complaint lodged by the alleged victim. Prior to this occurrence, the victim has lodged a case against her husband which is Nanpur P.S. Case No. 290 of 2014 which was registered under Section 376 and allied sections of the IPC. Learned counsel has also submitted that the evidences collected during the investigation shows that there was consensual relationship between the petitioner and the informant. The petitioner is under custody for more than 6 months.

5. Considering the above-mentioned facts and circumstances, let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned CJM, Sitamarhi in connection with Sitamarhi P.S. Case No. 417 of 2019, subject to the following condition:-

The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Nawneet Kumar Pandey, J)

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