

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55540 of 2024

Arising Out of PS. Case No.-22 Year-2024 Thana- MAHILA P.S. District- Kaimur (Bhabua)

Sajan @ Sani Dewol @ Sani Dewal Kumar SON OF VEDI BIND @ BEADI
BIND VILLAGE- KUDURA (BIND PURWA), PS- NUAON, DIST-
KAIMUR AT BHABUA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 18-11-2024 Heard Mr. Rajani Kant Pandey, learned counsel for
the petitioner and the State.

2. The petitioner is in judicial custody in connection with Mahila P.S. Case No. 22 of 2024 for the offences punishable under Sections 376/34 of the IPC, lodged on 05.05.2024 by the informant, Suman Kumari.

3. As per the prosecution story, the victim girl alleged that the petitioner is related to her cousin sister through in-laws' side and on the pretext of marriage established physical relationship but later denied, this led to the FIR.

4. In this case, notice was issued to the Opposite Party No.2 which has been validly served inasmuch as she has herself put in her signature.

5. Learned counsel for the petitioner submits that a



bare perusal of the FIR would show that both are/were major, it was a consented relationship, the victim girl is the cousin sister of the petitioner's sister-in-law (Bhabhi), is nineteen years of age, has already remained in custody since 06.05.2024 (para-12 of the petition) and has no criminal antecedent.

6. As stated above, the notice was validly served to the Opposite Party No.2 but there is no appearance from her side.

7. Taking into account the aforesaid fact as also he is of nineteen years of age, is in custody since 06.05.2024, has no criminal antecedent, this Court is inclined to grant him privilege of bail.

8. 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 learned Sub Divisional Judicial Magistrate, Mohania, Kaimur at Bhabhua 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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