

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64951 of 2024

Arising Out of PS. Case No.-184 Year-2024 Thana- SAUR BAZAR District- Saharsa

Santosh Kumar S/O Rajendra Mehta R/O Village- Pama Sirha tola, Ward no. 1, P.S- Saur Bazar, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Randhir Kumar No 1, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP
For the State	:	Mr. Arvind Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 09-12-2024 Heard learned counsel for the petitioner and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Saurbazar P.S. Case No. 184 of 2024 instituted for the offence under Sections 354 & 376 of the Indian Penal Code.

3. Prosecution case in short is that petitioner-who happens to be brother-in-law of the victim- has committed rape upon her.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 30-05-2024. Petitioner is stated to be man of clean antecedent.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present



case. Petitioner is the brother-in-law of the victim and victim is major. In her statement recorded under Section 164 of the Cr.P.C., informant has not alleged that petitioner committed raper upon her, rather it has been stated that there was love affairs between the informant-victim and as on the alleged date of occurrence, petitioner established physical relationship with her. Victim has refused for her medical examination. It is lastly submitted that police after completion of investigation has already submitted charge sheet in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Victim in her re-statement has supported the prosecution case, which fact finds mention at paragraph No.2 of the case diary. Husband of the victim has also supported the prosecution version, which is mentioned at paragraph No.40 of the case diary.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no cogent material against the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of



Court below/concerned Court in connection with Saurbazar
P.S. Case No. 184 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.

(Rudra Prakash Mishra, J)

Raj Kishore/-

U		T	
---	--	---	--

