

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69297 of 2024

Arising Out of PS. Case No.-108 Year-2024 Thana- TIKAPATTI District- Purnia

Sintu Kumar son of Santosh Mandal Village- Baghwa Koili, Simra, Ps-
Tikapatti, Dist- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Daughter of Anjay Yadav R/o village- Baghwa, Ps- Takapatti, Dist-
Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Anand, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-10-2024 Heard Mr. Abhishek Anand, learned counsel for the
petitioner and the State.

2. The petitioner is in custody in connection with
Tikkapatti P.S. Case No. 108 of 2024 for the offence punishable
under sections 376 and 511 of the Indian Penal Code lodged on
29.06.2024 by the informant, Mausam Kumari.

3. As per the prosecution story, the informant, married
lady, alleged that in midnight, the petitioner entered and tried to
outrage her modesty. As she raised alarm, he tried to grab her with
an intention to rape but the family members rushed which
followed the arrival of the police and he was taken into the
custody. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that there



was a relationship between them, no sexual assault took place, upon request, he was visiting there but was implicated and put into judicial custody and despite their own showing that the police arrived at the midnight, took him away belatedly at 1:25 PM which shows the intention of the accused persons/the police officers. Further, he has already suffered by being in custody since 30.06.2024 (paragraph no. 19 of the petition) and he do not have any criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that he entered the house and tried to commit rape upon the lady.

6. The allegation is there, the rape story is not made out, the fact remains that he was taken into custody in the midnight but the FIR has been lodged fourteen hours later, he has remained in custody since 30.06.2024, do not have criminal antecedent and as undertaken by the learned counsel for the petitioner that he will be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Purnea, in connection with Tikkapatti P.S. Case No. 108 of 2024 subject to the following conditions:

(i) one of the bailor should be the family



member/relative of the petitioner who shall provide official document to show his/her 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 fortnight for 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)

Adnan/-

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