

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.951 of 2024

Arising Out of PS. Case No.-180 Year-2023 Thana- RAJAON District- Banka

JAYKARAN SHARMA S/O SUBHASH SHARMA R/O VILLAGE-
MARHANI (MADHANI), P.S- RAJAUN, DISTRICT.- BANKA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 21-03-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Rajoun P.S. Case no.180 of 2023 registered under sections 376, 323, 325, 341 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that while her husband was away and she was seven and a half months in the family way, the petitioner established physical relations with her.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case because of enmity between the parties which would be evident from the contents of the FIR of Rajoun P.S Case no. 352 of 2021 registered under sections 341, 323, 504, 506 and 34 of the



Indian Penal Code by the petitioner wherein the husband of the informant of the present case is a named accused. It is further submitted that the medical report does not support the prosecution case insofar as no spermatozoa was found. Learned counsel further files certified copy of the deposition of the informant as also her husband which is taken on record and submits in reference thereto that both the informant and her husband did not support the prosecution case in course of trial and were declared hostile. The petitioner is in custody since 19.4.2023 and undertakes to cooperate in the trial.

5. The application for bail is opposed by learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the material that has transpired in course of investigation, the deposition of the informant in the trial in the learned trial Court wherein she has been declared hostile and the petitioner having remained in custody for 11 months since 19.4.2023, the petitioner is directed to be enlarged on bail in connection with Rajoun P.S. Case no.180 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Banka



on the following conditions :-

(I) The petitioner shall remain physically present in the learned Court below on each date and shall cooperate in the trial.

(II) In case the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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