

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5099 of 2025

Arising Out of PS. Case No.-10840 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Kanchan Kumar @ Kanchan Ram S/o Late Sakaldeep Ray R/o Mohalla -
Kankarbagh, R.M.S. Colony, Harijan Toli, P.S. - Kankarbagh, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puja Kumari D/o Lakhan Das, W/o Kanchan Kumar @ Kanchan Ram R/o Mohalla - Kankarbagh, R.M.S. Colony, Harijan Toli, P.S. - Kankarbagh, Distt.- Patna. Permanent R/o vill - Barh, Dayachak, P.S. - Barh, Distt. - Patna at present residing at C/o Sunil Das At Railway Hunder Road, Rajendra Nagar, P.S. - Kadamkuan, Distt.- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kaushlendra, Advocate
For the Opposite Party/s : Ms. Dr. Indihar Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Complaint Case No. 10840(C)/2022 for the offence under
Sections 377 & 498A of the Indian Penal Code.

3. As per prosecution case, complainant married to
the petitioner on 06-06-2022 and after briefly staying with her
in-laws, she visited her maternal home for an examination on



16-06-2022. That night, petitioner forcibly took her back, locked her for four days, and repeatedly assaulted her sexually. Even at her maternal home, he followed, abused and threatened to sell her to a brothel. On 01-09-2022, he allegedly assaulted her again and forced unnatural intercourse, prompting her to leave him.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 02-08-2024. Petitioner bears no criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. The present one is the case of misuse of privilege of interim bail which was confirmed on 19-04-2024 with certain condition/s. Petitioner was present on each and every date till 24-06-2024. Due to miscommunication crept on 20-05-2024, it was informed to the petitioner that next date of hearing is on 27-07-2024. Learned counsel next submits that on 27-07-2024, when petitioner went to appear he came to know about the cancellation of his bail bond and issuance of Non-Bailable Warrant against him and he filed his surrender-cum-bail application on 02-08-2024, which was rejected on the same date. Thereafter, petitioner filed regular bail application on 30-10-2024, which also stood rejected and hence the petitioner



is before this court. Learned counsel for the petitioner submits that petitioner never misused the privilege of the bail nor violated any condition on which the bail was granted and also he undertakes that he will follow the condition of bail without fail in future and also never misuse the privilege of bail in future.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case and period of custody of the petitioner, 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 Complaint Case No. 10840(C)/2022, 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/-

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