

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.29095 of 2015**

Arising Out of PS.Case No. -31 Year- 2014 Thana -HALSI District- LAKHISARAI

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1. Pradeep Kumar @ Bittan S/o Late Suryadeo Singh R/o Village Tarhari,  
P.S. Halsi, District Lakhisarai.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ravindra Kumar

For the Opposite Party/s : Mr. Ashraf Ansari (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**  
**ORAL ORDER**

3      30-10-2015      Heard learned counsel for the petitioner and learned  
A.P.P. representing the State.

The petitioner seeks bail in connection with Halsi P.S.  
Case No. 31 of 2014 registered for the offences punishable under  
Sections 341, 324, 326, 376, 366/34 of the Indian Penal Code.

Allegedly the victim aged about 16 years was taken  
away by the petitioner when she was going to the house of her  
aunt and brought her at his own house where his bhabhi was also  
there and assaulted her with a view to commit illegal act with her  
and she became senseless. In the morning when she regained  
sense, started crying then the petitioner threatened her after  
pointing out the pistol and again the petitioner assaulted her with  
knife four times in her stomach. The villagers came and at the time

she regained her sense, the Police Officer was also there.

Submission is of false implication and that during investigation it has come that the victim used to come at the house of the petitioner suo-motu and the bhabhi of the petitioner was not there which is evident from Para 45 and 46 of the case diary. The doctor has not found any sign of rape though some injuries have been found on her person. The victim has not stated regarding the rape committed upon her and, as such, hardly it can be a case of Section 324 IPC and the petitioner is suffering in custody since 02.04.2015. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned A.P.P. duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the victim in her statement recorded under Section 164 Cr.P.C. has supported the allegation and the doctor has also found injuries on her person which was caused by the petitioner.

In the facts and circumstances stated above, considering the detention of the petitioner now the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned C.J.M., Lakhisarai arising out of Halsi P.S. Case No. 31 of 2014 subject to

the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

**(Jitendra Mohan Sharma, J)**

sushma/-

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