

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39357 of 2014

Arising Out of PS.Case No. -26 Year- 2014 Thana -MAHILA P.S District- SUPAUL

Shyam Sharma son of late Upendra Sharma resident of Vill. Bijalpur, P.S.
Supaul, Distt. Supaul

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s :

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

3 14-01-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in Supaul (Mahila) P.S.
Case No. 26 of 2014 dated 01.04.2014 instituted under Sections
376/506/379/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that there
is allegation of rape against the petitioner but there is no eye
witness to the same and witnesses have only stated that there was
good relationship between the parties and the petitioner had
entered the house of the victim after a feast. It is further submitted



that the medical board has found no sign of fighting or rape and also no live spermatozoa. Learned counsel submits that because the petitioner had entered the house of the informant, a 'panchayati' was held the next day. It is further submitted that out of three persons named in the complaint filed by the prosecutrix one is the husband whereas the other two had not been examined by the police. It is submitted that the petitioner having clean antecedent is in custody since 07.06.2014. It is further submitted that despite there being allegation of commission of offence at gun point but none of the witnesses have seen the petitioner taking any weapon inside the house.

Learned A.P.P., upon going through the case diary, opposes the prayer for bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Judicial Magistrate, Supaul in Supaul (Mahila) P.S. Case No. 26 of 2014. One of the bailors shall be the mother of the petitioner. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall

not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J)

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