

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41413 of 2015

Arising Out of PS.Case No. -84 Year- 2014 Thana -MANPUR District- NALANDA
(BIHARSHARIFF)

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Raj Ballabh Paswan, Son of Yogendra Paswan, resident of Village-
Bilaspur, P.S. Manpur, District- Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Raj Bansh Dubey, Advocate.

For the Opposite Party : Mr. Rajiv Nayan (APP)

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

ORAL ORDER

2 02-09-2015 Heard the learned counsel for the petitioner, the
learned A.P.P as also the learned counsel for the Informant.

The petitioner wants to renew his prayer for bail which was earlier rejected by this Court by order dated 10.04.2015 vide Cr. Misc. No. 8828 of 2015 on the ground that the victim was medically examined on 29.10.2014 immediately after the occurrence and the doctor did not find any external or internal injury nor any sign of rape was found and on that ground co-accused Nitish Paswan, against whom there is allegation that he committed sexual assault first, has already been allowed bail by a Bench of this Court by order dated 09.07.2015 vide Cr. Misc. No. 22460 of 2015. It is also submitted that the petitioner has voluntarily surrendered on 03.12.2014 and since then he is in

custody and there is no chance of his absconding or tampering with the evidence.

The learned A.P.P. duly assisted by the learned counsel for the Informant opposes prayer for bail by submitting that the trial is in progress.

Considering that another Bench of this Court has allowed bail to co-accused Nitish Paswan by considering that accusation is not corroborated by the medical opinion and as such the petitioner is also directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge, Nalanda in S.T. No. 38 of 2015 arising out of Manpur P.S. Case No. 84 of 2014, subject to the conditions that one of the bailors must be a 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)

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