

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27463 of 2015

Arising Out of PS.Case No. -57 Year- 2014 Thana -JHAJHA District- JAMUI

=====

Bihari Yadav S/o Ugan Yadav Resident of Village Kauwatole, P.S. Jhajha,
District Jamui.

..... Petitioner

Versus

The State of Bihar

..... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Bharat Lal, Advocate.

For the Opposite Party : Mr. Sadanand Paswan (Spl.PP)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 23-09-2015 Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner seeks bail in a case for the offences punishable under sections 376/511 of the I.P.C and sections 3 (i) (X) of the S.C./ST (Prevention of Attrocities) Act.

Allegedly, the petitioner committed rape upon the youngest daughter of the informant aged about 11 years and when she wanted to raise alarm then she was assaulted by the petitioner with fists and slaps. Panchayati was also done but the petitioner did not obey the verdict of the Panchayati.

Submission is of false implication and that the petitioner is student of Class-VIII. Not a single witness has seen the occurrence and the doctor has not found any sign of external or internal injury and the F.I.R. has been lodged after four days and

after investigation the allegation under section 376 I.P.C. has not been found true and the charge sheet has been submitted under sections 376/511 of the I.P.C. and section 3 (x) of the SC/ST Act. The petitioner is suffering in custody since 29.10.2014 and now there is no chance of tampering with the prosecution evidence.

As after investigation allegation under section 376 I.P.C has not been found true and charge sheet has been submitted under sections 376/511 I.P.C. and section 3 (x) of the SC/ST Act and as such considering detention of the petitioner and further noticing that there is no chance of tampering with the prosecution evidence, the petitioner is 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 Sri Shyamal Kumar, J.M. Ist Class, Jamui in Jhajha P.S. Case No. 57 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.

Abhay/-

(Jitendra Mohan Sharma, J)

U		T	
---	--	---	--