

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47261 of 2015

Arising Out of PS.Case No. -40 Year- 2015 Thana -AMBA District- AURANGABAD

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1. Dipak Kumar Singh @ Sunny Singh S/o Shri Yogendra Singh R/o
village - Balia, P.S. Amba, District of Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Adv.

For the Opposite Party/s : Mr. Upendra Kumar(App)

For the Informant Mr. Krishna Pd. Singh, Sr. Adv.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
ORAL ORDER

3 27-10-2015

This is an application, made under Section 439 of the Code of Criminal Procedure, seeking bail for the accused-petitioner, namely, Dipak Kumar Singh @ Sunny Singh, in connection with Amba Police Station Case No. 40 of 2015, under Sections 366A/376/34 of the Indian Penal Code.

Perused the above application and materials on record.

Heard Mr. Yogesh Chandra Verma, learned senior Counsel for the petitioner, and Mr. Upendra Kumar, learned Additional Public Prosecutor, appearing on behalf of the State.

In view of the fact that the accused above-named has been in custody since 25.07.2015 in connection with the case aforementioned coupled with the fact that the statement of the victim under Section-164 Cr.P.C. does not give any indication that she had been subjected to rape, and though *charge sheet* has

been submitted, trial has not yet commenced and perusal of the materials available on record does not reveal such incriminating materials, which would warrant further detention of the accused-petitioner in custody, and in view also of the fact that the perusal of the materials does not reveal that the accused-petitioner's liberty on bail would adversely affect his trial, it is, in the interest of justice, hereby directed that the accused above-named shall be released on bail of Rs. 10,000/- with two sureties, each of the like amount, subject to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad, in connection with Amba Police Station Case No. 40 of 2015.

This direction for bail is further subject to the condition that the accused above-named shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear, in the learned Court below, as may be directed.

In terms of the above observations and directions, this bail application shall stand disposed of.

(I.A. Ansari, ACJ)

K.C.jha/-

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