

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6135 of 2016

Arising Out of PS.Case No. -413 Year- 2015 Thana -BARACHATTI District- GAYA

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1. Girani Paswan son of Late Jagdish Paswan, Resident of Village-
Padumchak, Police Station- Barachatti, District- Gaya.... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Dashrath Mehta(App)

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

ORAL ORDER

2 24-02-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Barachatti P.S.
Case No. 413 of 2015 registered for the offence punishable under
Section 376 of the Indian Penal Code.

Allegedly, the informant was given lift by the petitioner
on motorcycle to go to Barachatti but the petitioner brought her
near the forest and started committing sexual assault but on cry
Chandradeo Das and Mukesh Manjhi came and assaulted the
informant and the petitioner but the petitioner fled away after
leaving the motorcycle. During investigation the statement of
victim girl was recorded under Section 164 Cr.P.C. wherein she
has not stated regarding sexual assault and further she has stated
that the petitioner used to quarrel with her and as such he should

be punished. In medical evidence also no sign of recent sexual intercourse was found.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, 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 S.D.J.M., Sherghati, Gaya in connection with Barachatti P.S. Case No. 413 of 2015, 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.

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(Jitendra Mohan Sharma, J)

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