

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9280 of 2016

Arising Out of PS.Case No. -91 Year- 2015 Thana -CHAKAI District- JAMUI

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1. Mukesh Roy Son of Sukhu Roy, Resident of Village - Nodiya, P.S. -
Chakai, District - Jamui. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. P.N.Pandit(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 09-05-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Chakai
P.S. Case No. 91 of 2015 registered for the offences punishable
under Sections 376 and 506/34 of the Indian Penal Code.

Allegedly, the petitioner being the driver of tempo
alongwith co-accused Guddu Das committed rape with the
informant one after another on 18.07.2015 in the night.

Submission is of false implication and that the First
Information Report has been lodged on 23.07.2015 after five days
of the occurrence, the informant was examined by the Medical
Board but no sign of rape was found and she was found pregnant
of six months, witnesses Hemanti Devi and Tukni Devi in whose
house the informant took shelter has not stated anything, there is
no legal and tangible material against the petitioner and after due
deliberation this case has been lodged to grab Rs. 10,000/- of

Guddu Das from whom the informant has taken the amount and the petitioner being friend of Guddu Das has also been implicated.

The learned A.P.P. seriously opposes the prayer of bail by submitting that the petitioner is named in the First Information Report.

In the facts and circumstances stated above, considering the statement of witnesses Hemanti Devi and Tukni Devi vide para 16 and 17 of the case diary and further delay in lodging the First Information Report, 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 CJM, Jamui in connection with Chakai P.S. Case No. 91 of 2015 subject to the conditions that one of the bailors must be 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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