

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.45516 of 2015**

Arising Out of PS.Case No. -1710 Year- 2012 Thana -COMPLAINT CASE District- JAMUI

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1. Shyam Sundar Yadav son of Harkhu Yadav resident of village Korane,  
P.S. Chandramandih, District Jamui.

.... .... Petitioner/s

Versus

1. The State of Bihar.

2. Phulmanti Devi wife of Pitamber Yadav, daughter of Nafar Yadav  
resident of Rajla, P.S. Jhajha, District Jamui at present residing at  
Chandramandih, District Jamui.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary

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

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

3      06-01-2016                      Heard learned counsel for the petitioner and learned  
A.P.P. representing the State.

The petitioner seeks bail in connection with Complaint  
Case No. 1710(C)/2012 registered for the offence punishable  
under Section 376(g) of the Indian Penal Code.

Allegedly the petitioner and other co-accused  
committed gang rape but admittedly the occurrence is said to have  
taken place on 30.09.2012 and the complaint case was filed on  
17.11.2012 and further the complainant has admitted regarding  
enmity with co-accused Vinod Yadav.

Submission is of false implication and that similarly  
situated co-accused Raju Rana has been allowed bail by another  
co-ordinate Bench of this Court vide order dated 01.10.2015  
passed in Cri. Misc. No. 46449/15 and, as such, the petitioner also

deserves sympathetic consideration as he is suffering in custody since 18.08.2015.

The learned A.P.P. is not in a position to distinguish the case of the petitioner from that of co-accused Raju Rana.

In the facts and circumstances stated above, the petitioner, above named, is also 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 J.M. 1st Class, Jamui arising out of Complaint Case No. 1710(C)/2012 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.

Return the original records to the Court concerned at once.

**(Jitendra Mohan Sharma, J)**

sushma/-

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