

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23146 of 2016

Arising Out of PS.Case No. -62 Year- 2011 Thana -SIKARHATA District- BHOJPUR

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Deepak Pandey, son of Brajesh Pandey, resident of Village- Deo, Police Station -Sikarhatta, District Bhojpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Umesh Narayan Dubey, Advocate

For the Opposite Party : Mr. Uday Chand Prasad(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 14-07-2016 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Sikarhatta P.S. case no. 62/2011 registered for the offence punishable under Section 376/34 of the Indian Penal Code.

Allegedly, the petitioner and two other F.I.R. named accused persons committed rape with the informant.

Submission is of false implication and that after completing investigation the case was found not true and accordingly, final form was submitted against the petitioner and others, there is contradiction in the statement of victim recorded under Section 164 Cr.P.C. and medical report does

not support the allegation of rape, due to land dispute this case has been lodged, other co-accused namely Jitendra Pandey and Sanjay Pandey have already been allowed bail by another co-ordinate Benches of this Court and as such, the petitioner also deserves sympathetic consideration.

The learned A.P.P. duly assisted by learned counsel for the informant opposed the prayer for bail by submitting that the petitioner is named in the First Information Report along with others who have committed gang rape.

In the facts and circumstances state above, considering that after investigation final form was submitted and further considering that other co-accused have already been allowed bail by coordinate Benches of this Court, petitioner abovenamed 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 learned 1st Additional Sessions Judge, Bhojpur, Ara in S.Tr. no. 230A/2015 arising out of Sikarhatta P.S. case no. 62/2011, 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 the privilege of bail.

(Jitendra Mohan Sharma, J.)

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