

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52372 of 2016

Arising Out of PS.Case No. -68 Year- 2016 Thana -CHAUSA District- MADHEPURA

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1. Awadhesh Yadav, Son of Ramjee Yadav, Resident of Village- Narhadh,
Ward No.01, P.S.- Chousa, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 16-12-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
03.06.2016 in connection with Chausa P. S. Case No. 68 of 2016
registered for the offence punishable under Sections 366A and 34
of the Indian Penal Code and later on Section 376 of the Indian
Penal Code has also been added.

The prosecution case as lodged by the father of the
victim girl namely, Nasrin Khatoon, is that while she was
returning from the field along with her cousin sister, the petitioner
along with one another forcibly took her on motorcycle.

Learned counsel for the petitioner submits that the
victim girl under Section 164 of the Cr. P.C. has not alleged any
overt act committed by the petitioner and the Medical Board has



found her age to be 17 to 19 years. It has further been submitted that charge sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since charge sheet has already been submitted, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Udakishunganj, District- Madhepura. in connection with Chausa P.S.Case No. 68 of 2016 with a condition that one of the bailors would be a close relative of the petitioner and the other bailor would have sufficient immovable property within the jurisdiction of the concerned police station/ Court and the petitioner is directed to appear before the learned Court below on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bond..

(Nilu Agrawal, J)

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