

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34041 of 2016

Arising Out of PS.Case No. -184 Year- 2015 Thana -MEERGANJ District- GOPALGANJ

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Rudal Yadav @ Rudal Kumar son of Sudama Chaudhary @ Sudama
Yadav, Resident of Village- Pipra Khas, Police Station- Mirganj, District-
Gopalganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Javed Aslam, Advocate

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 06-09-2016 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 376, 511 and 307/34 of the Indian Penal Code registered in connection with Mirganj P.S. Case No. 184 of 2015.

3. It is submitted that the petitioner has been falsely implicated and in any event, the ingredients of offence under Section 376 of the Indian Penal Code is not made out against the petitioner even on the averments made in the FIR. There is inordinate delay in instituting the FIR on 03.07.2015 for the alleged occurrence of 24.06.2015. There is admittedly a land dispute between the parties in respect of which Title (Partition) Suit No. 387/2013 is pending in the Court of learned Sub-Judge 1, Gopalganj. Petitioner claims clean antecedents.

4. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of

communication of this order, let the above named petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Mirganj P.S. Case No. 184 of 2015, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with following conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall cooperate with the investigation and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned

(Vikash Jain, J)

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