

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4559 of 2016

Arising Out of PS.Case No. -119 Year- 2015 Thana -DARIYAPUR District- SARAN

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1. Jai Ram Sah son of Late Bhikhari Sah, resident of Village- Mahmada,
P.S.- Garkha, Distt- Saran..... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh
For the Opposite Party/s : Mr. Anuj Kumar Srivastava (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 28-03-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Dariyapur P.S. Case No. 119 of 2015 registered for the offence punishable under Sections 366A/34 of the Indian Penal Code.

Allegedly, the petitioner and other co-accused kidnapped Pratima Kumari aged 15 years, the daughter of the informant. During investigation the victim girl was recovered and co-accused Tonu was arrested and in the statement the victim girl has stated that the petitioner and two unknown forcibly boarded her in a tempo and made her senseless and thereafter, Tonu brought her at Himachal Pradesh where Tonu committed rape with her.

Submission is of false implication and that the petitioner is the brother-in-law of Tonu, resulting, he has also been implicated falsely in this case, the statement of the victim girl recorded under Section 164 Cr.P.C. is tutored one, against the petitioner there is no allegation for

committing any sexual assault, Tonu is already in custody, as a matter of fact there was love affairs between Tonu and the victim girl, the victim girl and Tonu both have arranged marriage and to this effect they have sworn affidavit before the Notary Public and as such the petitioner who is suffering in custody since 30.06.2015 deserves sympathetic consideration as there is no chance of tampering with prosecution evidence.

In the facts and circumstances stated above, considering that the main allegation is against Tonu for committing rape with victim, and, as such, considering the period of detention, 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 Sri Arvind, J. M. Saran, Chapra in connection with Dariyapur P.S. Case No. 119 of 2015, subject to the conditions that one of the bailors must be a 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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