

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56192 of 2015

Arising Out of PS.Case No. -296 Year- 2015 Thana -GORAUL District- VAISHALI(HAJIPUR)

1. Ram Babu Singh S/o Rajendra Singh
2. Sangita Devi W/o Ram Babu Singh Both resident of Village- Hidyatpur
Chak Haji, P.S.- Katahara (O.P.), District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sinha

For the Opposite Party/s : Mr. A.K.Choudhary(App)

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

3 26-02-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Goraul
Katahara P.S. Case No. 296 of 2015 registered for the offences
punishable under Sections 376/120B of the Indian Penal Code.

Allegedly, the petitioner no.2 called Lalita Kumari
the daughter of the informant and brought at her house where the
petitioner no.1 was there, the petitioner no.2 went away then
petitioner no.1 closed the door and committed rape with her, in
spite of alarm raised by the victim petitioner no.2 did not intervene
and directed to keep mum. The victim girl thereafter jumped into
the well to commit suicide. However she was taken out and the

case was lodged.

Submission is of false implication and that due to land dispute the petitioners have been implicated, prosecution story appears not probable and reliable, no wife will allow her husband to commit such offence and the petitioner no.2 has also been implicated with oblique motive, they are suffering in custody without any fault. Medical evidence also does not support the prosecution version to which the learned A.P.P. duly assisted by learned counsel for the informant opposes by submitting that the victim girl in her statement recorded under Section 164 Cr.P.C., has supported the allegation and further all the witnesses have supported the prosecution version.

In the facts and circumstances stated above, I am not inclined to enlarge the petitioner no.1 Ram Babu Singh, on bail and accordingly, his such prayer stands rejected but considering the custody of petitioner no.2 Sangita Devi now she 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 the Learned Additional District and Sessions Judge 1st, Vaishali, Hajipur, in connection with Goraul Katahara P.S. Case No. 296 of 2015, 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 no.2 shall remain present on each and every date during trial and the default on two consecutive dates on her part without any reason shall disentitle the petitioner no.2 from privilege of bail.

(Jitendra Mohan Sharma, J)

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