

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 38502 of 2016

Arising out of P.S. Case No. - 137 Year - 2015 Thana - KUCHAIKOTE District - GOPALGANJ

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Akhilesh Chaubey @ Akhileshwar Chaubey, Son of Late Hira Chaubey,
Resident of Village - Bhopatpur, P.S. - Kuchaikote, District - Gopalganj
.... .. Petitioner

Versus

The State of Bihar

.... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ranjeet Kumar Pandey, Advocate
For the Opposite Party: Mr. Anil Kumar Singh-1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 17-09-2016 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, 354B and 307 of the Indian Penal
Code registered in connection with Kuchaikote P.S. Case No. 137 of
2015.

3. It is submitted that the petitioner has been falsely
implicated by reason of a family dispute and the parties are
relatives of each other. The thrust of accusation for the offence of
attempt to rape is against co-accused Sarmendra Chaubey and not
against this petitioner, and so also the assault by the said
Sarmendra Chaubey on the informant's head with a knife is belied
from the injury report which shows that the injuries were caused
by hard blunt substance and in any event were also simple in
nature. There is inordinate delay in filing the complaint on
11.06.2015 for the alleged occurrence of 02.06.2015 without
adequate explanation. 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) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Kuchaikote P.S. Case No. 137 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C. and also subject to the following further conditions-

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

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

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

(iv) 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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