

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6290 of 2016

Arising Out of PS.Case No. -133 Year- 2015 Thana -VIDYAPATINAGAR District- SAMASTIPUR

1. Chandeshwar Manjhi Son of Baanthu Manjhi Resident of village -
Godhsisai, P.S. Vidyapati Nagar, District - Samastipur Petitioner
Versus
1. The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Sachin Kumar
For the Opposite Party/s : Mr. Dr.M.K.Gautam(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 06-04-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with
Vidyapatinagar P.S. Case No. 133 of 2015 registered for the offence
punishable under Sections 376/34 of the Indian Penal Code.

Allegedly, the petitioner and co-accused committed rape
one after another with the informant forcibly after dragging her in
bamboo clump and garden.

Submission is of false implication and that the
prosecution story appears not probable and reliable, the informant has
been examined by the medical board and no sign of rape or injury on
her private part was found, hymen was found old ruptured, the
informant has been examined under Section 164 Cr.P.C. wherein she
has not specifically named the petitioner and co-accused rather she has
stated that boys tied her hands and committed rape.

Learned APP opposes the prayer of bail by submitting

that the informant has stated the name of the petitioner in the written report.

In the facts and circumstances stated above, considering that the informant in her statement recorded under Section 164 Cr.P.C. has not stated the name of the petitioner and further medical evidence also does not support the allegation of rape and the victim has been found aged about 18-19 years, 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 the learned J. M. Ist Class, Dalsingsarai in connection with Vidyapatinagar P.S. Case No. 133 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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