

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54606 of 2016

Arising Out of PS.Case No. -74 Year- 2007 Thana -NARDIGANJ District- NAWADA

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Gobardhan Rajbanshi @ Gobardhan Manjhi, son of Late Bhatu Rajbanshi,
Resident of Village- Rajor, P.S.- Nardiganj, District- Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate
For the Opposite Party/s : Mr. (Dr.) Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-12-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
27.07.2016 in connection with S.T. No. 186/2008/ 318/2016,
arising out of Nardiganj P.S. Case No. 74/07 registered for the
offences punishable under Sections 354, 448 of the Indian Penal
Code but subsequently Sections 376/511 I.P.C were also added.

The prosecution case, as lodged by the informant, is
that the petitioner tried to outrage her modesty, but then a
compromise petition was filed by the informant that due to some
confusion the present case has been lodged.

Earlier petitioner moved this Court in Cr. Misc. No.
17714 of 2008 and bail was granted by a Coordinate Bench of this



Court on 13.05.2008, thereafter the petitioner did not appear before the learned court below during trial, hence, his bail bond was cancelled on 12.04.2010 and he was declared absconder on 31.07.2015.

It has been submitted by the learned counsel for the petitioner that he is innocent, being a labourer was out of village to earn his livelihood and instructed his pairvikar for the needful and was not informed by his pairvikar as the compromise petition had been filed earlier. It is submitted that the petitioner is ready to cooperate with the investigation and appear during trial and will be present before the trial court on day to day basis without any absence.

However, learned A.P.P. for the State submits that the petitioner after obtaining the privilege of bail had not appeared before the learned court below and his bail bond was cancelled long back in the year 2010 and in the year 2015 he was declared an absconder and caused delay in the completion of trial, hence, opposes the prayer for bail.

Be that as it may, since petitioner undertakes to cooperate with the investigation and appear before the court below during trial, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with



two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II, Nawada, in connection with Sessions Trial No. 186/2008/ 318/2016, arising out of Nardiganj P.S. Case No. 74/07, subject to the condition that one of the bailors would be a close relative and the other bailor must have sufficient immovable properties within the jurisdiction of the concerned police station and that petitioner shall appear before the court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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