

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57817 of 2015

Arising Out of PS.Case No. -307 Year- 2015 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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1. Chanchal Kumar son of Ramnath Prasad resident of village - Bela, P.S. -
Ramgarhwa, District - East Champaran.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ansul

For the Opposite Party/s :Mr. Ambika Bhagat(Spl .A P.P.)

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

2 30-01-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Sugauli,
P.S. Case No. 307 of 2015 registered for the offences punishable
under Sections 365, 366(A), 376(2) (n) of the Indian Penal Code
and Sections 3(1-xi) (xii) (2v) SC/ST Act.

Allegedly, the informant was forcibly boarded in the
vehicle by co-accused Ladan and in the vehicle the petitioner and
other co-accused were also present. Thereafter Ladan committed
rape with the informant and the petitioner and others were there.
Thereafter the petitioner was arrested with that vehicle by the
police.

Submission is of false implication and that no offence
under Section 376 IPC is made out against the petiotner, during

trial the victim /informant has been examined as PW-3 but she has not been identified the petitioner and further PW-1 and PW-2 Champa Devi and Bujhaban Ram have turned hostile and as such the petitioner who is suffering in custody since 6.8.2015 deserves sympathetic consideration.

Learned A.P.P. opposes prayer for bail by submitting that the informant was kidnapped by the petitioner and rape was committed by co-accused Ladan.

In the facts and circumstances stated above, considering that during trial the informant has not identified in the court and as such the petitioner 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 1st Additional Sessions Judge, East Champaran Motihari, in connection with Sugauli P.S. Case No. 307 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 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)

siddharth/-

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