

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13906 of 2017

Arising Out of PS.Case No. -123 Year- 2014 Thana -MAHILA PS District- DARBHANGA

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Mithilesh Thakur, son of Rajendra Thakur, resident of Village- Nadiyami
Tole Asraha, P.S.- Sakatpur, District- Darbhanga.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Sr. Advocate with
Mr. Vijay Anand, Advocate

For the Opposite Party/s : Mr. Ramchandra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 06-04-2017

Heard learned counsel for the petitioner.

This is an application for bail in connection with Mahila P.S.Case No. 123 of 2014 registered for the offences punishable under Sections 120B, 376, 323 and 313/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that even from the FIR it appears that no case under Section 376 IPC is made out against the petitioner as the informant has consent in committing the offence and further no case under Section 313 IPC is made out as the informant has not produced any evidence with respect to miscarriage and petitioner is in custody for the last three months and charge-sheet has been submitted in this case.

Heard learned APP also, who has opposed the prayer for bail stating that on the plea of marriage the petitioner has committed rape upon the informant.



Having heard both sides and in view of the facts and circumstances, as stated above, in view of the fact that with consent of informant such incident has happened, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Darbhanga, in connection with Mahila P.S.Case No. 123 of 2014, subject to the conditions that :-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable properties within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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