

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16066 of 2017

Arising Out of PS.Case No. -1010 Year- 2016 Thana -SAHARSA District- SAHARSA

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1. Bijay Sharma Son of Sri Laxmi Sharma Resident of Village- Bhartiya Nagar Ward No. 26, P.S. and District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subesh Sharma

For the Opposite Party/s : Mr. Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 07-04-2017 Heard the parties.

This application has been filed in connection with Saharsa Sadar P.S.Case No.1010 of 2016 for the offence under Section 342, 323, 504, 376 & 313 of the Indian Penal Code along with Section 3, 4, 5, 6 and 7 of the Immoral Traffic Act.

It is submitted on behalf of the petitioner that falsity of the allegation will appear from the statement made under Section 164 of Cr.P.C., in which she has given a complete go-by to the prosecution story and other two accused persons, against whom there is allegation of committing rape of her, and they have also been granted bail by this Court, vide order dated 10.3.2017 passed in Cr. Misc. No.11225 of 2017. The petitioner is in custody for about three months.



Heard learned A.P.P. also.

Having heard both sides and in view of the statement of the informant made under Section 164 of Cr.P.C., let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Sri R.Choubey, C.J.M. at Saharsa in connection with Saharsa Sadar P.S.Case No.1010 of 2014.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate 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 reasons, the prosecution is free to move for cancellation of his bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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