

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31464 of 2017

Arising Out of PS.Case No. -863 Year- 2015 Thana -COMPLAINT CASE District- LAKHISARAI
=====

1. Bhola Mahton Son of Sri Kishun Mahto, R/o Village- Abgil Rampur,
(Hussaina), P.S.- Medinichowki, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Mamta Devi @ Sabo Devi, W/o Niraj Mahton, Resident of Village-
Abgil, Rampur, (Hussaina), P.S.- Medinichowki, District- Lakhisarai.

.... Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar

For the Opposite Party/s : Mr. Sri Shyameshwar Dayal
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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 12-07-2017 Heard the parties.

The petitioner seeks regular bail in connection with
Complaint Case No.863C/2015 (Arising out of Mednichoki
P.S.Case No.09 of 2013, registered for offences punishable under
Sections 323, 376 and 379/34 of the Indian Penal Code.

From perusal of the record, it appears that earlier an F.I.R.
has been lodged against the petitioner under Section 376 and other
Sections of the Indian Penal Code making complaint of
commission of rape by the petitioner and four other accused
persons, however the police after investigation submitted final
form but the learned Judicial Magistrate differing with the opinion
has taken cognizance on the basis of protest petition (Annexure-1)



filed by the complainant under Section 376 and other Sections of the IPC.

Submission of the learned counsel for the petitioner is that in this case, the other co-accused persons, against whom, there is allegation regarding commission of rape has already been granted bail by this court, vide order dated 10.02.2017 passed in Cr. Misc. No.6532 of 2017. The petitioner is in custody in connection with this case for 1 ½ months.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, 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 C.J.M., Lakhisarai in connection with Complaint Case No.863C of 2015 (arising out of Medinichowki P.S.Case No.09 of 2013).

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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