

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35759 of 2017

Arising Out of PS.Case No. -85 Year- 2017 Thana -DHANAHAN District-
WESTCHAMPARAN(BETTIAH)

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Rajkumar Mallah, son of Nathuni Mallah, resident of Village- Karmahwa,
P.o.- Singapatti, P.S.- Kotwali Padrauna, District- Kushi Nagar (U.P.)

... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1

For the Opposite Party/s : Mr. Sri Mithilesh Kumar Khare

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 12-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
24.05.2017 in connection with Dhanaha P.S. Case No. 85 of 2017
for offences punishable under Sections 457, 380 and 354(B) of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while she was sleeping the petitioner who is her neighbor's
tractor driver entered her house and stole two mobiles and tried to
outrage her modesty but on hulla, he managed to flee away.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and has
been falsely implicated in the aforesaid case. He submits that no
overt act has been committed and the allegations are false and



baseless. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bagaha, District-West Champaran in connection with Dhanaha P.S. Case No.85 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

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