

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35899 of 2017

Arising Out of PS.Case No. -62 Year- 2017 Thana -CHARPOKHARI District- BHOJPUR

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1. Ajay Yadav, Son of Jalim Singh @ B.M. Yadav, Resident of Village-Garhani, P.S.- Charpokhari, District- Bhojpur, Ara.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiva Ranjan

For the Opposite Party/s : Mr. Sri Sunil Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 30-08-2017 Heard the parties.

The petitioner seeks regular bail in connection with Charpokhari P.S.Case No.62 of 2017, registered for offences punishable under Sections 341, 323, 325, 504 and 506 of the Indian Penal Code.

Allegation against the petitioner is of committing rape upon the prosecutrix, however, submission of the learned counsel for the petitioner is that the petitioner has been falsely implicated in this case and no such occurrence has taken place, which will appear from the fact that in this case after investigation, charge-sheet has not been submitted under Section 376 of the IPC rather under Section 341, 323, 325, 354B, 504 and 506 of the IPC and the cognizance has also been taken under the aforesaid Sections. Further the petitioner is in custody since 23.3.2017.

Heard learned A.P.P. also, who has also not



controverted the above facts.

Having heard both sides and in view of the fact that the charge-sheet has not been submitted under Section 376 o the IPC rather under Sections 341, 323, 325, 354B, 504 and 506 of the IPC and the petitioner is in custody for more than five months, as such, let the petitioner, above named, be enlarged 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 learned C.J.M., Bhojpur at Ara in connection with Charpokhari P.S.Case no.62 of 2017.

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 disposal of trial and make himself available as and when required by the court. In the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason, his bail bond shall be cancelled.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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