

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45165 of 2017

Arising Out of PS.Case No. -27 Year- 2017
Thana -DUMARIA District- GAYA

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Sunil Bhuiyan Son of Binod Bhuiyan Resident of Village - Golha, P.S. - Belaganj, District – Gaya			Petitioner
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Versus

The State of Bihar			Opposite Party
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Appearance :

For the Petitioner : Mr. Sanjeev Kumar & Priya Ranjan, Advocates
For the Opposite Party : Mr. Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-09-2017 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered for the offence under sections 376, 511 and 379 of the IPC. FIR alleges failed attempt of rape against the petitioner.

Counsel for the petitioner submits that the petitioner has falsely been made accused in this case. After investigation police submitted charge sheet for offence under sections 354B and 379 IPC which shows the falsity of the allegations made against him in the FIR. Prior to the instant case, no case is pending against him. He is in custody since 11.5.2017.

In view of the aforesaid submissions, let the petitioner as mentioned above be released on bail on furnishing bail bond of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Sherghatti, Gaya in Dumaria Police Station Case No. 27 of 2017, on the following conditions:-

(a) One of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how



he is related with him. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(b) The affidavit shall clearly state that the petitioner is not an accused in any other case, and if he is, he shall not be released on bail.

(c) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter, the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(d) The petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(e) The petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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