

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35058 of 2017

Arising Out of PS.Case No. -34 Year- 16 Thana -PARWATTA District- KHAGARIA

=====

1. Niraj Kumar S/o Naresh Yadav R/o Village Salarpur, P.S. - Parbatta,
District - Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Sinha

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 23.02.2016 in
connection with Parbatta P.S. Case No. 34 of 2016, S.T. No. 168
of 2016 for offences punishable under Sections 341, 323, 379,
354, 506, 376/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while she was cutting grass along with daughter-in-law Nitu
Devi and daughter Runa Kumari, the petitioner along with others
came to the field and committed rape on Nitu Devi, daughter-in-
law of the informant.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal antecedent and has been falsely implicated in the aforesaid case as the victim lady has not alleged any overt act by the petitioner in her statement under Section 164 Cr.P.C. It has also been submitted that both sides are co-villagers and there was some dispute between the family of the petitioner and the informant side. Petitioner is languishing in judicial custody for more than 1 ½ years and hence, a sympathetic consideration be given and that charge-sheet has already been submitted and the matter has proceeded to the stage of trial.

However, learned APP for the State opposes the prayer for bail stating therein that petitioner is alleged to have committed rape on a married lady.

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 A.D.J. 1st, Khagaria in connection with Parbatta P.S. Case No. 34/2016 (S.Tr. No. 168 of 2016) subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an



affidavit stating his relationship with the petitioner and that 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)

sushma/-

U		T	
---	--	---	--

