

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48917 of 2016

Arising Out of PS.Case No. -49 Year- 2016 Thana -RAMGARHWA District-
EASTCHAMPARAN(MOTIHARI)

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1. Sk. Gayas Mohammad Son of Late Mohammad, @ Late Mahmood
Resident of Village: Jumai Tola, Police Station: Ramgarhwa, District : East
Champan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Adya Singh

For the Opposite Party/s : Mr. Sri Manish Kumar 2

For the informant : Mr. Amresh Kr. Sinha

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 19-01-2017 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is in custody since 26.06.2016 in
connection with Ramgarhwa P.S. Case No. 49 of 2016, registered
for offences punishable under Sections 341, 342, 323, 354(A),
376/511, 504 and 506 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that
though in the F.I.R, there is allegation against the son of petitioner
that he tried to commit rape on the informant but she cut the
pennies of the son of the petitioner by a blade. Further allegation is
that against the said act the petitioner along with some other
persons went to the house of informant to protest against the said
act of the informant and forcibly removed her clothes. It has



further been submitted that the petitioner being an old person aged about 80 years, cannot be involved in the said act as alleged. In support of his contention learned counsel for the petitioner, filed a copy of the voter I.D of the petitioner, which is annexure -6 to the writ petition. So far the petitioner is concerned, there is no specific allegation against him for outraging the modesty of the informant and the petitioner has been languishing in judicial custody since 26.06.2016

Heard learned counsel for the State and learned counsel appearing on behalf of the informant. Learned counsel for the informant submitted that there is specific allegation against this petitioner and he does not deserves to be enlarged on bail.

Having heard both sides, considering the facts and circumstances of the case, the period of detention and also that the petitioner is an old person aged about 80 years, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 20,000 (Rs. Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Raxaul at Motihari (East Champaran) in connection with Ramgarhwa P.S. Case No. 49of 2016.

This is subject to the condition that the petitioner shall cooperate in the Trial and make himself before the police/Court, as



the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Vinod Kumar Sinha, J)

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