

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4603 of 2017

Arising Out of PS.Case No. -136 Year- 2016 Thana -PIPRA District-
EASTCHAMPARAN(MOTIHARI)

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Madan Sah, Son of Bijuli Sah, Resident of Village- Shitalpatti, P.S.-
Pipra, Dist.- East Champaran. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

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

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 07-03-2017 Heard learned counsel for the petitioner and learned counsel
representing the State.

Petitioner seeks bail in connection with Pipara P.S. Case
No. 136 of 2016 registered for the offences punishable under
Sections 341, 323, 376, 376D, 504/34 of the Indian Penal Code.

Allegedly, the informant was returning to her house from
Om Hospital after treatment of her daughter then, in the way
Sanjay Sah and the petitioner met her and asked her for boarding
in Magic Van, thereafter, she boarded in Magic Van but she was
brought at lonely place where Ram Sharan Sah and Sunil Sah also
came and all committed rape on her.

Submission is of false implication and that the informant
who is the victim has stated different story in her statement
recorded under Section 164 Cr.P.C. in which she stated that she



went to see film out of her own consent and further she has stated that no misbehave was committed with her. The petitioner has got no criminal antecedent and he is suffering in custody since 26.08.2016 and one co-accused Sunil Sah @ Kaliya has been allowed bail vide Cr. Misc. No. 2319 of 2017 by another co-ordinate Bench of this Court.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Pipara P.S. Case No. 136 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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