

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30574 of 2017

Arising Out of PS.Case No. -136 Year- 2016 Thana -RUPAULI District- PURNIA

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Suraj Kumar @ Suraj Kumar Thakur, S/o Bikash Thakur, resident of
Village- Ajhokopa, P.S.- Rupauli, District- Purnea.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Sr.Advocate with
Mr. Dhananjaya Nath Tiwari, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 25-07-2017

Heard learned counsel for the petitioner.

This is an application for bail in connection with
Rupauli P.S.Case No. 136 of 2016 registered for the offences
punishable under Sections 341, 323, 379, 376, 511/34 of the
Indian Penal Code and 10/12 of POCSO Act.

Allegation as per FIR is in two parts, in first part there
is no allegation against the petitioner of committing rape upon the
daughter of the informant and in second part there is allegation of
committing rape upon her.

It has been submitted on behalf of the petitioner that
as a matter of fact, prior to the present case the petitioner has
lodged a case against the informant and her family members and
proceeding of 107 Cr.P.C is going on and this false and concocted
case has been filed by the informant and earlier also two other
false and concocted cases have been filed by the informant. It has
further been submitted that there is no allegation of committing
rape against the petitioner, rather there is allegation of attempting



to commit rape and he is in custody for more than five months.

Heard learned APP also.

Having heard both sides and considering the aforesaid facts and circumstances, let the petitioner, named above, be released 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 the 1st Additional Sessions Judge-cum-Special Judge, Purnea, in connection with Rupauli P.S.Case No. 136 of 2016, subject to the conditions that :-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable properties within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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