

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44644 of 2017

Arising Out of PS.Case No. -51 Year- 2015 Thana -LAKHNAUR District- MADHUBANI

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Jai Ram Chaudhary, Son of Ramkripal Chaudhary, R/o Village- Bisunpatti,
P.S.- Lakhnour, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. Md. Ansarul Haque (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 20-09-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner wants to renew the prayer of bail,
which was earlier twice rejected vide Cr. Misc. 13760 of 2016 and
Cr. Misc. No. 16100 of 2017 by order dated 21.06.2016 and
10.05.2017 respectively, on the ground that the petitioner is
suffering in custody since 17.08.2015 and up till now no
prosecution witness has been examined resulting in near future the
trial is not likely to be concluded. As a matter of fact, the
petitioner was having love affair with the informant which has
come during investigation also and medical board has not found
any evidence of rape. Similarly situated co-accused Manoj
Chaudhary has been allowed bail passed in Cr. Misc. No. 35016



of 2017 by order dated 09.08.2017 and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. submits that the informant in her statement recorded under Section 164 Cr.P.C. has supported the allegation of rape and other witnesses have also supported the same.

In the facts and circumstances stated above, considering that the similarly situated co-accused Manoj Chaudhary has been allowed bail and, as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Madhubani, in connection with Lakhnaur P.S. Case No. 51 of 2015 (G.R. No. 458 of 2017), 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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