

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 49317 of 2017

Arising Out of PS.Case No. -320 Year- 2017 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

=====

Lakhindra Thakur S/o Late Mokhtar Thakur, R/o Village- Ram Nagar
Bankat, P.S.- Majhauria, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr Akhileshwar Kumar Shrivastva, Advocate

For the S t a t e : Mr Amitesh Kumar, APP

=====

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 17-10-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in a case registered under
Sections 376, 354B/34 of Indian Penal Code.

Allegation in the first information report is with
respect to molestation and rape. Submission is made on behalf of
the petitioner that the informant, in her statement under Section
164 of Criminal Procedure Code which has been annexed as
Annexure 3 to the bail application, has not supported the
allegation. It is further submitted that the medical evidence
(Annexure 2) also does not support the allegations made in the
FIR. Further submission is that the petitioner is a village



Chaukidar and due to village politics, he has been falsely implicated in this case. It is also submitted that the petitioner is a man of clean antecedent and is in custody since 19.08.2017.

Considering the aforesaid submissions, petitioner's prayer for bail is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bettiah, West Champaran in Majhulia Police Station Case No 320 of 2017 subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the affidavit shall clearly state that the petitioner is not an accused in any other case and if he is, he shall not be released on bail.

(iii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and, thereafter, the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iv) That the petitioner will give an undertaking that he will receive the



police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

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

