

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 55383 of 2017

Arising Out of PS.Case No. -142 Year- 2017 Thana -JALE District- DARBHANGA

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Raj Karan, Son of Shiv Narayan Das, Resident of Village-Ojhaul, Shahpur
P.S.-Bahadurpur, District-Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Ram Hriday Prasad, Advocate

For the Opposite Party/s : Mr Chandrasen Prasad Singh, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 12-12-2017

Heard counsel for the petitioner and the State.

The petitioner is accused in Jalley Police Station
Case No 142 of 2017 dated 13.09.2017 registered for the offences
punishable under Sections 363, 366A, 376, 216/120B of Indian
Penal Code and Sections 4/6 of POCSO Act .

Counsel for the petitioner submits that the petitioner
is not named in the first information report. It is further submitted
that the petitioner has been falsely implicated in this case only
because the named co-accused, against whom there is allegation of
committing rape, has, in his statement before the police, stated that
he had, perhaps, stayed in the petitioner's hotel. Counsel for the
petitioner draws attention of the Court towards the statement of
the victim recorded under Section 164 of Criminal Procedure



Code wherein there is no mention regarding the petitioner or his hotel. It is also submitted that the petitioner is a man of clean antecedent and that he is in custody since 18.09.2017 and the investigation is complete and there is no chance of tampering with the evidence.

Considering the aforesaid submission, 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 Additional Chief Judicial Magistrate I, Darbhanga, in Jalley Police Station Case No 142 of 2017 dated 13.09.2017 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 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./-

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