

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49365 of 2018

Arising Out of PS. Case No.-62 Year-2018 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Mahesh Singh Son of Sri Ram Nandan Singh Resident of Village - Paspura,
P.S. - Muffasil, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Adv.
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-09-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner had earlier moved for bail which was
rejected vide order dated 10.07.2018 passed in Cr. Misc. No.
38137 of 2018.

Petitioner is languishing in judicial custody since
12.02.2018 in connection with Begusarai Muffasil P.S. Case No.
62/2018 for offences punishable under Sections 376/34 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while she was at her home, the petitioner along with another
co-accused Ram Babu Singh came and took her to a field and
Ram Babu Singh committed rape on her. The allegation upon



the petitioner is of catching the hands of the informant.

It has been submitted by the learned counsel for the petitioner that he is innocent, and has been falsely implicated in the aforesaid case. There is contradiction in the statement made by the informant in the FIR and the statement made under Section 164 Cr.P.C. He further submits that charges have already been framed on 24.07.2018 and the petitioner is ready to cooperate in the trial on day-to-day basis.

However, learned counsel appearing on behalf of the informant vehemently opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and as many as five cases are pending against him, one of similar nature and the informant apprehends threatening at the hands of the petitioner.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Begusarai Muffasil P.S. Case No. 62/2018, subject to the



following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (ii) If it comes to the knowledge that the petitioner has threatened the informant, the prosecution will be at liberty to move the learned Court below for cancellation of the bail bonds of the petitioner.

(Nilu Agrawal, J)

Rajesh/Pragya

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