

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.67323 of 2018**

Arising Out of PS.Case No. -111 Year- 2018 Thana -SIDHWALIYA District- GOPALGANJ

=====

Umesh Kushwaha Son of late Chandrika Kushwaha, Resident of Village-  
Kathariya, P.S. Mohammadpur, Sistrict Gopalganj.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL ORDER**

2      26-11-2018      Heard learned counsel for the petitioner and learned counsel  
for the State.

Petitioner seeks bail in connection with Sidhwalia P.S. Case  
No.111 of 2018 registered for the offence punishable under  
Sections 341, 342, 376/34 of the Indian Penal Code.

Informant has alleged commission of rape in her FIR  
against Sonu Mandal. Allegation against the petitioner is of  
carrying her on motorcycle. However, in her statement recorded  
under Section 164 Cr.P.C., she has retracted from her statement  
and has alleged commission of rape against the petitioner and  
against Sonu Mandal of carrying her motorcycle. Medical report  
has been annex as Annexure-2 according to which no sign of rape  
or any injury of external or internal or private part of the informant has



been found.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned 1<sup>st</sup> Addl. Sessions Judge, Gopalganj in connection with Sidhwalia P.S. Case No.111 of 2018 (G.R. No.2372 of 2018), with following conditions :-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.
- (2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the Court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bond.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

**(S. Kumar, J)**

Sanjeev/-

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