

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71887 of 2018

Arising Out of PS. Case No.-445 Year-2015 Thana- BAIRGACHHAI District- Araria

Bikash Yadav, Son of Devnarayan Yadav, Resident of Village-Bochi, P.S.-
Araria (Bergachhi), District-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate.
Mr. Shashank Shekhar
For the Opposite Party/s : Mr. Sri Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 20-12-2018 The petitioner seeks bail in connection with Araria Bergachi P.S. Case No. 445 of 2015 registered under Sections 376/34 of the Indian penal Code.

Allegation as per the FIR is that informant went to the house of her friend and having taken tea given by her Bhabhi's friend, she became unconscious and when she gained consciousness, she asked Manoj Kumar to drop at her home. Thereafter she sat in a tempo and thereafter some injection was injected to her upon which she became unconscious and when she gained consciousness she found herself in Katihar where petitioner and co-accused have committed rape with her.

Submission of learned counsel for the petitioner is that statement of the girl has been recorded by Mahila Constable at



Katihar Railway Station, which is para-19 of the case diary, in which she has not disclosed the name of the petitioner and built different story about the occurrence and thereafter again her statement was recorded by the councillor of Mahila Helpline which is para 26 of the case diary, there also she has not named the petitioner and considering all aspect of the matter the police submitted final form in this case finding the case not true but differing with the final form, cognizance has been taken against the petitioner and he is in custody since 28.09.2018.

Heard learned APP also.

Having heard both sides and in the facts and circumstances, as stated above, let the petitioner, abovenamed, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Araria in connection with Araria Bergachi P.S. Case No. 445 of 2015 with condition that one of the bailors shall be a local person having sufficient immoveable properties within the jurisdiction of the court concerned.

(Vinod Kumar Sinha, J)

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