

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75539 of 2018

Arising Out of PS. Case No.-326 Year-2017 Thana- ALOULI District- Khagaria

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Rohit Kumar Son of Pramod yadav Resident of Village-Mujauna Police
Station- Allouli,Distt.-Khagari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bharat Bhushan
For the Opposite Party/s : Mr. Sri Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 17-12-2018 Heard learned counsel for the parties.

Petitioner seeks bail in **Allouli P.S. Case No. 326 of 2017 arising out of G.R. No. 2901 of 2017** registered for the offence punishable under Sections 376, 420, 406, 379 and 34 of the Indian Penal Code.

Informant has alleged in her complaint petition that she was married and having three children. Her husband was not capable to take proper care of her and as such she went with petitioner to Delhi and there she started a grocery shop from the said business she earned Rs. 1,00,000/- and adding some of the cash brought from her village she gave the said amount to petitioner to purchase a land for construction of house.



However, petitioner took the money and misappropriated it and fled away to the village. It has been further alleged that from 2012 to 2017 petitioner also established physical relation with her and they remained as husband and wife in Delhi.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. No offence of cheating or rape is made out against him. There is no allegation of committing any act without the consent or against the will of the informant. Petitioner has got no criminal antecedent and is in custody since 01.09.2018.

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 **Chief Judicial Magistrate, Khagaria**, in connection with **Allouli P.S. Case No. 326 of 2017 arising out of G.R. No. 2901 of 2017** 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 properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(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)

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