

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22353 of 2018

Arising Out of PS.Case No. -16 Year- 2009 Thana -PAROO District- MUZAFFARPUR

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Sunil Bhagat, Son of Shambhu Bhagat, resident of Village- Bisarpatti,
P.S.- Sariya, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Advocate

For the Opposite Party/s : Mr. Sri Rajkishore Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

3 22-05-2018 Heard learned counsel for the petitioner and learned APP
for the State.

This is a case registered under Section 366(A) of the Indian
Penal Code.

It is submitted by the petitioner's counsel that there is
clear inconsistency between the statements of the victim recorded
under Section 161 Cr.P.C and 164 Cr.P.C. The manner of recovery
of the victim casts suspicion on the case of the prosecution and
other than the improved statement of the victim recorded under
Section 164 Cr.P.C, there is nothing on record to substantiate the
prosecution case. It is also submitted that considering the
submission regarding falsity of the prosecution case, this Court
has granted bail to the co-accused namely, Rajesh Bhagat in Cr.
Misc. No. 27273 of 2017. Other co-accused namely, Subodh



Kumar@ Subodh Bhagat and Rita Devi have also been allowed bail in Cr. Misc. No. 4677 of 2018 and Cr. Misc. No. 34709 of 2017 respectively. The petitioner is having no criminal antecedent and he is in custody since 18.12.2017.

In the facts and circumstances of the case, prayer for bail of the petitioner 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 **Sub Divisional Judicial Magistrate (West) Muzaffarpur in Paroo P.S. Case No. 16 of 2009** subject to the 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)

Prakash/-

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