

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28818 of 2018

Arising Out of PS. Case No.-73 Year-2016 Thana- MEERGANJ District- Purnia

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Pramod Shah S/o Narayan Shah R/o Village- Khagha P.S. Meerganj, District-
Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri
For the Opposite Party/s : Mr. Sunil Kumar Pandey

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

7 28-11-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner had earlier moved for bail, which was rejected
vide order dated 31.07.2017, passed in Cr. Misc. No. 27432 of
2017.

Petitioner is languishing in judicial custody since
29.08.2016 in connection with Special Case No. 51 of 2016,
corresponding to Meerganj P.S. Case No. 73/2016 for offences
punishable under Sections 376, 313, 506 and 34 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is that
while she along with her family members was away to harvest
in the maize field, the petitioner, who is the next door neighbour
committed rape on her minor daughter and successively after



some time while there was no one in the house he again committed rape on her, as a result she became pregnant and the petitioner induced medicine to terminate her pregnancy.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and just because he had contested election of Mukhiya there was political rivalry and he being the next door neighbour, has been falsely implicated in the aforesaid case. He submits that all the witnesses have been examined and yet no order has been passed and that the petitioner is languishing in judicial custody for more than two years.

However, learned APP for the State opposes the prayer for bail stating therein that the victim girl was a mentally weak minor girl, who has also stated of the petitioner committing rape and induced medicine to terminate her pregnancy.

A report has been received on 25.09.2018 that the matter is fixed for final argument on 06.10.2018 by the 1st Additional Sessions Judge cum Special Judge, Purnea.

Learned counsel for the petitioner submitted that as yet final argument has not been concluded and the petitioner may be enlarged on bail.

Considering the facts and circumstances and the materials



on record and the period of custody, 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 1st Additional District Judge cum Special Judge, Purnea, in connection with Special Case No. 51 of 2016, corresponding to Meerganj P.S. Case No. 73/2016, subject to the following conditions :

1. 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.
2. Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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