

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39424 of 2018

Arising Out of PS. Case No.-324 Year-2017 Thana- BAKHARI District- Begusarai

Dharmendra Kumar @ Dharo S/o Bhim Sahni Resident of Bakhri Goriyari,
Ward No.- 16, P.S.- Bakhri, District- Begusarai ... Petitioner
Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Vinod Gautam, Adv.
For the Opposite Party : Mr. Chaubey Jawahar, APP 158

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 07-09-2018 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

Petitioner, who is languishing in judicial custody since 24.01.2018, seeks bail in connection with Bakhri P.S. Case No. 324 of 2017 for offences alleged under Sections 341, 323, 342, 506, 509 and 376 of the Indian Penal Code and 4 of the Protection of Children from Sexual Offences Act.

The prosecution case, as lodged by the victim, is that she is a girl of 15 years and her neighbour, Vibha Devi, wife of Jite Sahni, had called her to her house and the petitioner was in the house of her neighbour, who committed rape on her.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that the medical report opines that she is 17-18 years of age, hence, a case under Protection of Children from Sexual Offences Act is not applicable against him. He, further, submits that the charge sheet has been submitted and



the petitioner is in custody since more than eight months.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent.

Considering the facts and circumstances and the materials on record as well as the period of custody, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Bakhri P.S. Case No. 324 of 2017 to the satisfaction of the learned Additional Sessions Judge, I, Begusarai, subject to the following conditions :

(i) 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.

(ii) 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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