

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36437 of 2018

Arising Out of PS.Case No. -256 Year- 2017 Thana -KARAHGAR District- SASARAM (ROHTAS)

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1. Bholu Gond son of Munna Gond, resident of Village- Nooranganj (Bauliya Road), P.S.- Sasaram (T), District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Adv

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 25-08-2018 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 366(A), 504/34 of the Indian Penal Code.

Submission of the learned counsel for the petitioner is that though in her statement under Section 164 Cr.P.C., the victim has alleged commission of rape by two accused persons including the petitioner. However, perusal of entire statement would reveal that she had voluntarily given her Phone No. to the petitioner, she was in talking term. The petitioner even took her to his own house and thereafter to his Sasural, where she was kept for one and half months and rape was committed thereat. Learned



counsel for the petitioner further submits that it is highly unbelievable that a girl could be allowed to be kept in the house of Sasural of the petitioner for alleged immoral purpose. Contention is that entire statement of the victim is under pressure of the parents. She was a consenting party to her long elopement with the petitioner and others without any complain to any authority or any protest at the time of movement from one place to another.

Considering the aforesaid doubtful circumstances appearing in the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Karaghar Police Station Case No.256 of 2017, subject to the condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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