

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38523 of 2018

Arising Out of PS. Case No.-14 Year-2018 Thana- AWTARNAGAR District- Saran

Vishwajit Kumar @ Bishwajeet Kr. Singh S/o Shambhu Nath Singh, R/o
Vill.- Mirpur Juara, P.S.- Awatar Nagar, District- Patna ... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Manoj Kumar, Adv.

For the Opposite Party : Mr. Ajay Kumar Jha, APP 243

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

3 05-09-2018 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

Petitioner, who is languishing in judicial custody since 16.03.2018, seeks bail Awatar Nagar P.S. Case No. 14 of 2018 for offences alleged under Sections 376, 511, 341, 354A, 354B and 354 of the Indian Penal Code and 12 and 18 of the Protection of Children from Sexual Offences Act.

The prosecution case, as lodged by the informant, who is also a victim is that when she went for natural call, the petitioner tried to commit rape on her, but, when she raised alarm, he took out a knife and injured her, but, hearing the alarm people gathered and the petitioner fled away. It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and the informant is major and an application was filed by the petitioner before the learned Court below for her medical examination, which has not been done so far. He submits that no case under the Protection of Children from Sexual Offences Act is made out and the



petitioner has been falsely implicated because of village rivalry.
He, further, submits that charge has already been submitted.

However, the learned Additional Public Prosecutor for
the State opposes the prayer for bail.

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 Awatar Nagar P.S. Case
No. 14 of 2018 to the satisfaction of the Additional District
Judge, I, Saran at Chapra, 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)

Shamshad/-

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