

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41515 of 2018

Arising Out of PS.Case No. -163 Year- 2017 Thana -JAGDISHPUR District- BHAGALPUR

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1. Sonu Mandal @ Suman Mandal @ Sonu Kumar Mandal Son of Uday Mandal Resident of Village- Badi Hasanpur, P.S. Jagdishpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiwesh Chandra Mishra

For the Opposite Party/s : Mr. Sri Abhay Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 26-09-2018 Heard the parties.

The petitioner seeks regular bail in connection with Jagdishpur P.S.Case No.163 of 2017 registered for offences punishable under Sections 376 of the Indian Penal Code.

Allegation against the petitioner is of committing rape upon the informant.

Submission of the learned counsel for the petitioner is that mental condition of the petitioner is not good and he is under treatment, which will appear from Annexure-2 of the petition and moreover, there is contradiction between the FIR and the statement recorded under Section 164 of Cr.P.C. He is in custody since 15.6.2017 but not a single witness has been examined. The charge has been framed on 20.11.2017.



Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of 5th Additional Sessions Judge, Bhagalpur in connection with S.t.No.808 of 2017 arising out of Jagdishpur P.S.Case No.163 of 2017.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and in the event of failure to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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