IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45931 of 2018

Arising Out of PS.Case No. -20 Year- 2016 Thana -MAHILA P.S. District- SHEOHAR

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Dipu Kumar, S/o Ram Sagarnath Sah @ Ram Swarth Sah, R/o Village- Minapur, Balha, P.S. Piprahi, District- Sheohar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Dinesh Jha
For the Opposite Party/s : Mr. Sri Ram Bachan Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 01-08-2018 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner had earlier moved for bal before this Court which was rejected vide order dated 09.11.2017 passed in Cr. Misc. No. 42742 of 2017.

Petitioner is languishing in judicial custody since 06.04.2017 in connection with Sheohar Mahila P.S. Case No. 20 of 2016 for offences punishable under Sections 376 (2)(i), 201, 379, 323, 506/34 of the Indian Penal Code and Section 4 of POCSO Act.

The prosecution case, as lodged by the informant, is that while she had gone for natural call, the petitioner forcibly

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took her and committed rape on her and snatched her gold ornament.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history, has been falsely implicated in the aforesaid case and the victim girl in her statement during course of the trial has retracted from her statement made in the F.I.R. and no allegation of rape has been levelled against the petitioner before the trial court as is evident from her deposition which is dated 01.06.2018 as contained in Annexure-3. He submits that the F.I.R. has been lodged after ten days delay and that Trial No. 07 of 2017 is going on and the petitioner undertakes to cooperate in the trial on day to day basis.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, 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 A.D.J. 1st -cum-Special Judge, Sheohar in connection with Sheohar Mahila P.S. Case No. 20 of 2016, subject to the conditions that:

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(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) If the petitioner indulges in an offence of similar nature in future or it is brought to the notice that any threat has been given by the petitioner on informant or informant's side, the learned court below will consider for cancellation of the bail bonds.

(Nilu Agrawal, J)

Devendra/-

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