

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44521 of 2018

Arising Out of PS.Case No. -141 Year- 2017 Thana -MAHILA P.S. District- BHOJPUR

1. Chhotan Yadav @ Mithilesh Kumar, Son of Surendra Yadav, Resident of Village- Majhaua, Ward No.-5, P.S.- Ara Town, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Rai, Advocate

For the Opposite Party/s : Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 04-09-2018 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The Petitioner seeks regular bail in connection with Mahila P.S. Case No. 141 of 2017, registered for offences punishable under Sections 341, 323, 376 and 511 of the IPC.

Allegation against the petitioner is of attempting to commit rape upon the informant and also assaulted by rod, causing injury.

Submission of the learned counsel for the petitioner is that the petitioner has falsely been implicated in this case and it has been revealed from the F.I.R. that admittedly no case under Sections 376/511 of the Indian Penal Code is made out against the petitioner and there was money dispute between the parties. As a matter of fact, the informant since long back had taken money from the petitioner and when he demanded his money, he was



badly assaulted by the family members of the informant for which petitioner also lodged a case bearing Complaint Case No. 01 (C)/2018, which will appear from Annexure- 3 series and the petitioner is in custody since 28.05.2018.

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/- (Rupees Twenty five thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhojpur, at Ara in connection with Mahila P.S.Case No. 141 of 2017, subject to the 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) It is made clear that if petitioner found involved in any of the like offences, in future, prosecution is free to move for cancellation of his bail bonds

(Vinod Kumar Sinha, J)

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