

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63456 of 2018

Arising Out of PS.Case No. -45 Year- 2018 Thana -MAHILA P.S. District- SIWAN

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1. Prit Kumar Son of Late Gauri @ Gauri Shanker Manjhi Resident of
Village-Purandarpur, P.S.-Goreya Kothi, Distt.-Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakash Chandra Jha

For the Opposite Party/s : Mr. Smt. Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 05-11-2018 Heard learned counsel for the petitioner, informant and the
learned A.P.P. for the State.

The petitioner seeks bail in Siwan Mahila P.S. Case No.
45/2018, instituted for the offence under Section 376(D) of the Indian
Penal Code.

Learned counsel for the petitioner has submitted that other
co-accused, namely, Suraj Kumar with similar allegation has already
been granted bail by this Court in Cr. Misc. No. 59880/2018 dated
08.10.2018. It is further submitted that occurrence has taken place on
16.06.2018, but F.I.R. has been lodged on 21.06.2018, i.e. after delay of
five days.

In the written report, there is allegation against this
petitioner that he along with threes other accused persons committed
gang rape with informant while she was returning from the house of her



friend.

Learned counsel for the petitioner has submitted that victim has been medically examined, wherein doctor has not found any evidence of sexual intercourse. No spermatozoa has been found. Age of victim has been assessed to be between 19-20 years. It is further submitted that medical evidence does not support the allegation made in the written report and statement of victim recorded under Section 164 Cr.P.C.

Petitioner is in custody since 24.06.2018.

Considering the aforesaid fact and circumstances, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Siwan in connection with Siwan Mahila Case No. 45/2018, subject to the conditions that

- (i) both the bailors shall be the close relative of the petitioner.
- (ii) petitioner shall be present on each and every date fixed by the court and absence on two consecutive dates without valid reason will result in cancellation of bail bond of the petitioner and
- (iii) if petitioner tamper with the evidence in the case, prosecution will be at liberty to move



for cancellation of bail bond of the
petitioner.

(Sanjay Priya, J.)

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