

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30222 of 2018

Arising Out of PS.Case No. -50 Year- 2017 Thana -MAHILA P.S. District- BHABHUA (KAIMUR)

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Madan Rai, Son of Bhusan Rai @ Mushan Rai, Resident of Village-Diwane, P.S.- Chand, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh

For the Opposite Party/s : Mr. Sri Atul Chandra

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 16-05-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier moved this Court for grant of bail which was rejected vide order dated 15.03.2018 passed in Cr. Misc. No. 1166 of 2018.

Petitioner is languishing in judicial custody since 16.09.2017 in connection with Sessions Trial No. 26 of 2017 arising out of Mahila (Bhabua) P.S. Case No. 50 of 2017 for offences punishable under Sections 366(A), 376, 120B of the Indian Penal Code and Section 4 of the POSCO Act, 2012.

The prosecution case, as lodged by the informant who is also victim namely Guria Kumari, is that while she had gone for natural call, the petitioner along with one Satyendra Rai forcefully took her in the motorcycle committed rape on her and also



confined her in a toilet and took her in a barren place from where she was recovered by some persons known to her.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and the medical report does not give any opinion of rape being committed. He submits that there is lot of contradiction in the statement under Section 164 Cr. P.C. and charges have already been framed. The petitioner undertakes to cooperate in the trial on day to day basis.

However, learned APP for the State opposes the prayer for bail stating therein that the victim under Section 164 Cr. P.C. has made allegations against the petitioner.

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 C.J.M. Kaimur at Bhabua or the successor court in connection with Sessions Trial No. 26 of 2017 arising out of Mahila (Bhabua) P.S. Case No. 50 of 2017, subject to the conditions that:

- (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) 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)

Devendra/-

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