

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69527 of 2018

Arising Out of PS. Case No.-138 Year-2018 Thana- PARAIYA District- Gaya

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Md. Mister Alam @ Mister Alam, S/o Md. Mokhtar Alam, Resident of
Mohalla- Azmatganj, Paraiya Bazar, P.S.- Paraiya, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar
For the Opposite Party/s : Mr. Nityanand

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 06-12-2018

Heard learned counsel for the parties.

Petitioner seeks bail in Paraiya P.S. Case No.138 of
2018 registered for the offence punishable under Sections
376/34 of the Indian Penal Code.

Informant in her written complaint has stated that on
28.08.2018 at about 7 p.m., she had gone to attend the call of
nature along with her cousin sister and two accused persons,
Sonu Kumar and Md. Alam came there and Sonu Kumar
committed rape upon her and the petitioner was standing by
side.

It has been submitted on behalf of the petitioner that he
is innocent and there is no allegation against him of committing
rape upon the informant. Petitioner has no criminal antecedent
and he is in custody since 11.09.2018.



Counsel for the informant has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Gaya in connection with Paraiya P.S. Case No.138 of 2018, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to



move for cancellation of bail of the
petitioner.

(S. Kumar, J)

Sanjay/-

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