

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57821 of 2018

Arising Out of PS. Case No.-33 Year-2017 Thana- MAHILA PS District- Aurangabad

Bada Babu @ Abinash Kumar S/o Baban Yadav resident of Village-
Patharkatti, P.S. Daudnagar, District Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lal Bahadur Singh

For the Opposite Party/s : Ms. Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

4 12-12-2018

Heard learned counsel for the parties.

Petitioner seeks bail in Town (Mahila) P.S. Case No.33 of 2017 registered for the offence punishable under Section 376 D of the Indian Penal Code and Section 4 of the POCSO Act.

Informant has stated in her fardebyan that she had love affair with one Binod Kumar and she went with him to Delhi but could not find accommodation and, thereafter, she returned back to Daudnagar where she met with Manish Kumar who used to run Auto and she asked to provide some rented room to her and the same was provided by him. Thereafter, Binod Kumar and Manish Kumar established physical relation with her. Meanwhile, she came in contact with Subodh Kumar who came on Auto and promised to pay



Rs.6,000/- for her expenses and took her into a school where four accused persons committed rape upon her.

It has been submitted on behalf of the petitioner that the petitioner has not committed any offence rather merely on suspicion, he has falsely been implicated in this case. It has further been submitted that similarly placed accused persons have already been granted bail by this Court as contained in Annexure P/2 series. Petitioner has no criminal antecedent and he is in custody since 01.08.2018.

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 C.J.M., Aurangabad (Bihar) in connection with Town (Mahila) P.S. Case No. 33 of 2017 under District, Aurangabad (Bihar) 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 properly represented on each and every date fixed by the court and shall remain physically present as directed by the 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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