

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46759 of 2018

Arising Out of PS.Case No. -476 Year- 2017 Thana -LAKHISARAI District- LAKHISARAI

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1. Govind Kumar @ Govinda Kumar. Son of Sri Ram Badan Mandal, resident of Kiul Basti, Pachna Road, Ward No. 22, P.S.- Lakhisarai, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.

For the Opposite Party/s : Mr. Ahtash Ali Khan, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 18-09-2018 The petitioner is in custody since 31.12.2017 in connection with Lakhisarai (Kabaiya) P.S. Case No. 476 of 2017, registered for offences punishable under Sections 376/34 of the Indian Penal Code.

Allegation as per F.I.R. is that sister of the informant was enticed away by one Mukesh Kumar and it is alleged that he along with this petitioner committed rape on her.

Submission of learned counsel for the petitioner is that the petitioner is not named in the F.I.R. and he has falsely been made accused in this case only on the basis of suspicion. Further the co-accused, who has been named in F.I.R., has already been granted privilege of bail vide order dated 25.06.2018 passed in Cr. Misc. No. 22265 of 2018 and the petitioner is in custody since



31.12.2017.

Heard learned A.P.P. also.

Having heard both sides, although the nature of offence is very serious, but in view of the fact that another Coordinate Bench of this Court has granted bail to other co-accused person, who is named in F.I.R. and the petitioner is not named in the F.I.R., as such, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 25,000, (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai, in connection with Lakhisarai (Kabaiya) P.S. Case No. 476 of 2017, with 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) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his



part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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