

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57975 of 2018

Arising Out of PS. Case No.-66 Year-2017 Thana- NARHATT District- Nawada

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Birendra Yadav @ Biru Master Son of Late Kailash Prasad Yadav, resident of
Village- Dedhgawn, P.S. Narhat, District- Nawada (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Sri Mithilesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 27-09-2018 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner seeks bail in **Narhat P.S. Case No. 66 of
2017** registered for the offence punishable under Section 376 of
the Indian Penal Code.

Allegation against the petitioner is of committing rape
upon the victim in the night of 12.05.2017. However, the victim
in her statement recorded under Section 164 of the Cr.P.C stated
that rape was committed on 13.05.2017. The victim was
subjected to medical examination on 15.05.2017 and in medical
examination the Doctor has opined that there is no sign of any
recent sexual intercourse. No Spermatozoa was found. The
Medical Board has assessed her age to be 18 to 19 years.
Petitioner has been falsely implicated in this case due to land



dispute. Petitioner has got no criminal antecedent and is in custody since 03.07.2018.

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 **Additional Chief Judicial Magistrate-Vth, Nawada**, in connection with **Narhat P.S. Case No. 66 of 2017**, 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 present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bond.

(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)

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