

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19116 of 2018

Arising Out of PS. Case No.-132 Year-2013 Thana- AURAI District- Muzaffarpur

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Dharmendra Kumar @ Dharmendra Sahni, Son of Mohan Sahni, Resident of
Village-Bistha P.S. Aurai, District-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-04-2018 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

This is the second round of litigation. Earlier
the prayer for bail of the petitioner was rejected vide order
dated 20.06.2017 passed in Cr. Misc. No. 20501 of 2017.
Petitioner is languishing in judicial custody since
01.12.2016 in connection with Trial No. 11 of 2017 arising
out of Aurai P.S. Case No. 132 of 2013 registered for the
offence punishable under Sections 364 and 366A/34 of the
Indian Penal Code.

The prosecution case, as lodged by the
informant, is that her daughter Khushbu Kumari was called
by Ruby Kumari and the petitioner along with co-accused
Lalita Devi and five others kidnapped her daughter.
Allegation upon the petitioner is of committing rape on her



minor daughter.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history, except, Aurai P.S. Case No. 12 of 2013 lodged by the present informant itself and that the informant is in a habit to file such a frivolous cases, as she has lodged another case against a police officer and also against one of the villagers being Aurai P.S. Case No. 44 of 2016 and Complaint Case No. 1909 of 2016. He submits that the petitioner undertakes to cooperate in the trial on day to day basis.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum- Special Judge, POCSO Act, Muzaffarpur in connection with Trial No. 11 of 2017 arising out of Aurai P.S. Case No. 132 of 2013, subject to the condition that both the bailors would be close relative



of the petitioner having sufficient immovable properties,
who will file an affidavit stating their relationship with the
petitioner.

(Nilu Agrawal, J.)

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