

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6242 of 2019

Arising Out of PS. Case No.-288 Year-2018 Thana- RAHUI District- Nalanda

Binod Sharma (Male), aged about 26 years, Late Bhatu Sharma Resident of
Village- Lohra, Police Station- Harnaut, District- Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rabindra Prasad Singh, Advocate
For the Opposite Party : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 12-03-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 363, 366(A) and 34 of the Indian Penal Code registered in connection with Rahui (Bena) P.S. Case No. 288 of 2018.

3. It is submitted that the petitioner has been falsely implicated merely because he happens to be uncle of co-accused Ravi Kumar @ Ravi Shankar. The statement of the victim girl has been recorded under Section 164 of the Cr.P.C. wherein she has not named the petitioner at all and the accusation has been made only against co-accused Ravi Kumar @ Rai Shankar. Even from the FIR it is evident that except such suspicion, there is no objective material to connect the petitioner with the alleged occurrence. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand)



with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Rahui (Bena) Case No. 288 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

BT/-

(Vikash Jain, J)

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