

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7189 of 2019

Arising Out of PS. Case No.-152 Year-2018 Thana- ATHMALGOLA District- Patna

RAJU KUMAR @ RAJU, aged about 34 years, (Male), son of Late Suresh Yadav Resident of village - Dakshinichak, P.S. - Athmalgola, District-Patna
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

4 14-03-2019 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 366 (A), 328, 376/34 of the Indian Penal Code and Sections 6/8/10 of POCSO Act.

Informant has alleged that on 03.07.2018 she had gone to market to fill up the form but due to rush, she could not fill up the form. Thereafter, she was waiting for tempo to go to her house. In the meantime, one Ranjan Kumar came and offered to drop her at her house but he did not stop the motorcycle at her house and went to his own house and despite her unwillingness, the accused served tea to her and, thereafter, she became unconscious. When the informant regained her consciousness, she found herself in a room and after some time, co-accused, Ranjan Kumar and petitioner came and committed rape upon her.

It has been submitted on behalf of the petitioner that



he is innocent and has falsely been implicated in this case. It has further been submitted that co-accused Ranjan Kumar was having love affair with the victim girl and the victim girl had gone with her on her sweet will and volition. Victim was examined as P.W.1 in Trial Court where she has been declared hostile. It has further been submitted that a compromise petition has already been filed by both the parties before the court below itself, a copy of which has been appended as Annexure 4. Petitioner has no criminal antecedent and he is in custody since 26.10.2018.

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 court below where the case is pending in connection with Athmalgola P.S. Case No. 152 of 2018 and Spl. Case No.130/2018 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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