

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18494 of 2019

Arising Out of PS. Case No.-237 Year-2012 Thana- BELAGANJ District- Gaya

KAMLESH DAS S/o Uday Das, resident of Village-Shankarpur, P.S.-
Belaganj, District-Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

9 24-07-2019 Heard learned counsel for the petitioner and the
State.

The petitioner seeks bail in **Belaganj P.S. Case No. 237 of 2012**, instituted for the offence under Section(s) 376 of Indian Penal Code.

It is alleged in the written report that informant was going to call her brother, Uday Mistry to take meal. When she reached near *Pipal* tree, the petitioner caught hand and took her in the field of Prem Singh and committed rape with her.

Counsel for the petitioner submits that earlier bail of the petitioner was not heard on merit. The same was dismissed for non-compliance of peremptory order (Annexure-1 series). He further submits that petitioner is in custody since 25.11.2017 having clean antecedent.

Report was called for from the court below which



has been received. From the report it appears that charge has been framed on 5.6.2018, but not a single witness has been examined till date.

Case diary has been received.

The medical report is available in the case diary wherein the Doctor has found no mark of violence on the person of the informant. The Doctor has also not found any foreign body, stain, blood or fluid outside or inside private part nor any dead or alive spermatozoa was found on the body of the informant.

In such circumstances, the prayer of the petitioner for grant of bail is allowed. Let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Gaya**, in connection with **Belaganj P.S. Case No. 237 of 2012**, subject to the condition that both the bailors will be close relatives of the petitioner with further conditions which are as follows:

(i) Petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court (ii) In absence on two consecutive dates without any valid reason, the bail bonds of the petitioner will liable to be cancelled and (iii) if



petitioner tampers with the evidence or the witnesses of the case, in that event, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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