

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20462 of 2019

Arising Out of PS. Case No.-291 Year-2018 Thana- SHEKHPURA District- Sheikhpura

BIPIN KUMAR Son of Late Mohan Bind R/o village- Kare, P.S.- Kare, P.S.-
Shekhpura, District- Shekhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rana Baljit Singh
For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 08-05-2019 Earlier the prayer of the petitioner for grant of bail was rejected by this court vide order dated 12.10.2018 passed in Cr Misc. no. 56840 of 2018.

Learned counsel for petitioner submits that petitioner is in custody since 10.5.2018. Learned counsel further submits that petitioner was assaulted by the informant for which Sheikhpura P.S. case no. 290 of 2018 dated 9.5.2018 was registered for the offence U/s 341, 323, 342, 504, 506/34 of the I.P.C. and to save the skin the informant had filed the instant case.



In the instant case, it is alleged in the written report that daughter of the informant was kidnapped by this petitioner along with four accused persons as mentioned in the written report.

The case diary has been received, wherein, the statement of the victim recorded U/s 164 Cr.P.C. is available at para 50 of the case diary, wherein, she has stated that when she has come up from the bath room this petitioner along with Dinesh Bind shut her mouth with *Gamchha* and thereafter this petitioner took her to his house and gave her medicine. Thereafter, Dinesh came out from the room and this petitioner committed illegal act with her. She has further stated that thereafter Satyendra Kumar and Nitish Kumar also came there and they took her to mountain and left her. Thereafter, Budhan Bind brought her to Gobara (Munger) and she stayed with him for one night and thereafter Budhan Bind telephoned the husband of Sarpanch of the village and parents of the victim came and brought her to Sheikhpura police station.

Learned counsel for petitioner submits that victim has been medically examined and her injury report is mentioned in para 12 of the case diary, wherein, the doctor has found no any external injury on her person.



The learned counsel for the informant has appeared and opposed the prayer for bail. He submits that victim girl was found to be 13 to 14 by the Medical Board. Report of the Medical Board is available at paragraph no. 31 of the case diary.

The report with regard to the current stage of the trial has been called for which has been received from the Court below. From perusal of the report, it appears that case is still pending for police paper.

In such circumstances, since no progress has been made in the court below in trial after rejection of the bail by this Court by order dated 12.10.2018, this Court is inclined to grant bail to the petitioner.

Considering the aforesaid, 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 the C.J.M. Sheikhpura, in connection with Sheikhpura P. S. Case No. 291 of 2018 subject to the following conditions:-

(i) Both the bailors shall be the close relative of the petitioner.

(ii) The petitioner shall be present on each and every date fixed by the Court and absence on two consecutive dates



without valid reason will result in cancellation of bail bond of the petitioner.

(iii) If petitioner tamper with the evidence in the case, prosecution will be at liberty to move for cancellation of bail bond of the petitioner.

(Sanjay Priya, J)

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