

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78879 of 2018

Arising Out of PS. Case No.-138 Year-2018 Thana- PARAIYA District- Gaya

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Sonu Kumar, Son of Ashok Paswan, Resident of Mohalla- Azmatganj,
Paraiya Bazar, P.S.- Paraiya, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr. Shailendra Kumar -2

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 25-02-2019 Heard learned counsel for the parties.

Petitioner seeks bail in Paraiya P.S. Case No. **138/2018**
registered for the offence punishable under Sections 376/34 of
the Indian Penal Code.

Allegation against the petitioner is to have committed
rape upon the informant and co-accused, Mister Alam was
standing there.

It has been submitted on behalf of the petitioner that he
is innocent and has been falsely implicated in this case. It has
further been submitted that there was love affair between the
informant, who is major, and the petitioner and on the day of
occurrence, mother of victim had seen them in objectionable
condition and that's why the petitioner's name has been dragged



in this case. The statement of victim girl has been recorded under Section 164 Cr.P.C. where she has slightly changed her version which creates doubt over involvement of petitioner in this case. Petitioner has got no criminal antecedent and is in custody since 06.09.2018. Similarly, situated co-accused person has been granted bail vide order dated 06.12.2018 passed in Cr. Misc. No.69527 /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 A.C.J.M., -III, Gaya in connection with Paraiya P.S. Case No. **138/2018**, 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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