

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78706 of 2018

Arising Out of PS. Case No.-103 Year-2018 Thana- DESARI District- Vaishali

Sanjiv Shah Son of Ghanshyam Shah, Resident of Village Shaharia, P.S.-
Desari O.P. Sahadai, District- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha

For the Opposite Party/s : Mr.Sri Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

4 08-02-2019 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Desari (Sahadai O.P.) P.S. Case No. 103 of 2018, G.R. No. 2277 of 2018, registered for the offences punishable under Sections 376 and 511 of the Indian Penal Code.

Informant is the mother of victim, who in her written complaint has stated that on 19.05.2018 at 05:00 P.M. her minor daughter was grazing the goat in presence of Nagina Devi when petitioner Sanjiv Shah came there and started playing with her daughter and thereafter took her in his lap and went inside and tried to commit rape upon her, however, on raising alarm by her minor daughter Nagina Devi came there



and thereafter he fled away. The statement of victim girl has been recorded under Section 164 of Cr.P.C. in which she has stated that petitioner is his uncle and he undressed her and also assaulted on her back and head which was seen by her grandmother and thereafter she took her away.

It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case due to enmity and village politics. In her statement made under Section 164 of Cr.P.C. she has not stated that petitioner tried to commit rape upon her. Petitioner has no criminal antecedent and is in custody since 21.05.2018.

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/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge, Vaishali, Hajipur, in connection with Dasari P.S. (Sahadai O.P.) Case No. 103 of 2018 (G.R. No. 2277 of 2018), subject to 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 Court and his absence on two consecutive dates without



sufficient reasons, 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)

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