

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.25774 of 2019

Arising Out of PS. Case No.-13 Year-2018 Thana- RAJEPUR District- East Champaran

NIRAJ KUMAR, aged about 19 years, Male, Son of Chanardeep Rai,
Resident of Village-Sahbajia, Police Station-Rajepur, District-East Champaran
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Anil Kumar, Adv.
For the Opposite Party : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 30-04-2019 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since
08.03.2019 in connection with Rajepur P.S. Case No. 13 of 2018
for the offences alleged under Sections 341, 448, 323, 379, 354,
427, 376, 511, 504 and 34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while she was alone in the house, co-accused, Ravindra Rai
came and tried to commit rape, thereafter, on protest, the family
members of co-accused, Ravindra Rai, including the petitioner,
came abused and assaulted the informant. Specific allegation
against the petitioner is that he tore the clothes of the informant
and took the gold nose-pin.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history, there
was a property dispute between both sides and a settlement
petition has been filed wherein the informant has retracted from
her earlier version. He submits that no overt act has been



alleged against the petitioner and one of the co-accused, Ravindra Rai, has already been granted pre-arrest bail by a coordinate Bench of this Court in Cr. Misc. No. 70631 of 2018, dated 08.01.2019.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations, the materials on record as well as the fact that the petitioner does not bear any criminal antecedent, as stated in paragraph 3 of the present application, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Rajepur P.S. Case No. 13 of 2018 to the satisfaction of the learned Subdivisional Judicial Magistrate, Sadar, East Champaran at Motihari, or the successor Court, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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