

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42412 of 2019

Arising Out of PS. Case No.-34 Year-2017 Thana- MAHILA P.S. District- Saran

SARFUDDIN SAI Son of Asgar Sai @ Asagar Ali Resident of Village-
Atarsan, Police Station- Rasulpur, District- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

5 04-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 14.12.2018 in connection with Saran Mahila P.S.Case No. 34 of 2017 (Trial No. 111 of 2019) for the alleged offences under Section 376/34 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated on the accusation of gang-rape committed by the accused persons including the petitioner. It is submitted that the victim has changed her version in her statement recorded under Section 164 Cr. P.C and has assigned the role of lookout as regards the petitioner specifically stating that he had not committed rape upon her. The injury report does not disclose any injury in or around her private part. The victim is married



lady of about 19 years of age and was found to be pregnant. There is delay in lodging the FIR on 14.06.2017 for the alleged occurrence of 11.06.2017. The petitioner claims clean antecedents.

4. Learned APP assisted by learned counsel for the informant, on the other hand, opposes the bail petition, submitting that there is direct accusation of committing gang-rape along with other persons upon the victim. It is submitted that altered version in the victim's deposition under Section 164 Cr. P.C. about the petitioner's participation in the occurrence has been reiterated. She has further alleged assault by the accused persons

5. Be that as it may, 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 1st Additional Sessions Judge, Saran at Chapra in connection with S.Tr. No. 111 of 2017 arising out of Saran Mahila P.S.Case No. 34 of 2017, on the following conditions--

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar



offence till conclusion of the trial.

(iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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