

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39852 of 2019

Arising Out of PS. Case No.-14 Year-2019 Thana- MAHILA PS District- Jehanabad

SRI KUMAR Son of Rakesh Sharma Resident of Village - Mirzapur, P.S.-
Shakurabad, Dist.- Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur, Adv
For the Informant	:	Mr.Shiv Kumar Prabhakar, Adv
For the State	:	Mr.Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 26-09-2019 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Section 376(D) of the Indian Penal
Code.

According to FIR, co-accused-Avinash Kumar
is alleged to have ravished to the daughter of the informant. The
victim girl in her statement under Section 164 Cr.P.C. disclosed
her age as 19 years and the learned Magistrate assessed her age
as 18 years. The victim stated that though one of the three
accused had committed rape against her, however, she could not
identify the person who had ravished her, she could identify
only one Boss Bhaiya.



Submission of learned counsel for the petitioner is that the case diary would reveal that some of the witnesses have stated that there was dispute for marriage of the victim with Avinash and for that a negotiation had also taken place and on non-materialization, false case has been lodged.

Learned counsel for the informant opposed the prayer for bail on the ground that even if the victim and informant are believed, there is no allegation against the petitioner to have ravished her.

Hence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Mahila (Jehanabad) Police Station Case No.14 of 2019, subject to the condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further the petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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