

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65080 of 2018

Arising Out of PS. Case No.-187 Year-2018 Thana- LALGANJ District- Vaishali

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Tuntun Mahato Son of Bindeshwar Mahato, resident of Village-Kunwariya,
P.S.- Lalganj, District- Vaishali.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Shashi Bhushan Pandey, Advocate
For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 18-02-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Section 376 of the Indian Penal Code registered in
connection with Lalganj P.S. Case No. 187 of 2018.

3. It is submitted that the petitioner has been falsely
implicated and the accusations against the petitioner, who happens to
be cousin of the informant, are highly improbable. It is submitted that
except accusation of the informant's side, there is no objective
material to support the prosecution case rather there are material
contradictions in the statements of the witnesses. There is delay of
around one month in instituting the first information report on
06.06.2018 for the alleged occurrence of 07.05.2018. The petitioner
claims clean antecedents.

4. Perusal of paragraph 30 containing re-statement of the
so-called victim as well as her statement under Section 164 of the Cr.
P.C. in paragraph 33 of the case diary discloses that the date of
occurrence is said to be 15.05.2018 whereas the date of occurrence
has been stated as 07.05.2018 in the first information report.



5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 187 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further 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 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.

(iv) That the petitioner shall cooperate 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.

BT/Chandran

(Vikash Jain, J)

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