

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69865 of 2018

Arising Out of PS. Case No.-41 Year-2017 Thana- MAHILA PS District-
Gaya

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Rakesh Kumar Son of Sri Ravinder Yadav Resident of Village-Ghusri, Police
Geloher, Distt.-Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Syed Ashfaque Ahmad, Advocate.

For the Respondent: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 15-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 376/34 of the Indian Penal Code
registered in connection with Mahila P.S. Case No. 41 of 2017.

3. It is submitted that the petitioner has been falsely
implicated in retaliation for having denied the marriage proposal
of the informant. The petitioner being Army personnel had
already left Gaya for Jammu vide Sealdah Jammu Tawai Express
on 19.10.2018 at 9.30 A.M. and resumed duty on 20.10.2018 as
evident from the report of the Lieutenant Colonel of 898
Battalion. As such the petitioner was not present on the alleged
date of occurrence in respect of which there is no eye witness.
The medical report does not disclose anything to support the
prosecution case. The petitioner claims clean antecedents.

4. Be that as it may, having regard to the entirety of
the facts and circumstances of the case, 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 Sub-Divisional Judicial Magistrate, Gaya in connection with Mahila P.S. Case No. 41 of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following 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) 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.

(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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