

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4133 of 2019

Arising Out of PS. Case No.-58 Year-2018 Thana- MAHILA P.S. District- Patna

Saurabh Kumar @ Saurabh Raj, S/o Bhusan Singh, R/O Village – Lodiya,
P.S. - Lakhisarai, Distt. - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Murari Mishra

For the Opposite Party/s : Mr. Ashraf Ansari

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 16-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 376A and 379/34 of the
Indian Penal Code.

The informant along with her boy friend initially
searched for a hotel for their stay and when no hotel was found
available, the boy friend telephoned to his friend Priyanshu.
Priyanshu asked them to come to his house. Both went to the
house of Priyanshu where four persons including Priyanshu
allegedly ravished her. She named the petitioner and others
including Priyanshu, on the basis of the miscreants calling name
of each others.

Submission is that the petitioner is in custody since



03.06.2018. He was never put on Test Identification Parade. He has got no criminal antecedent. Hence, it cannot be said that miscreants Saurabh Kumar was the same person as the petitioner.

However, contention is that co-accused Ritesh Kumar, who was friend of the informant and had taken her to his friend's house, has already been allowed bail by a Coordinate Bench of this Court vide order dated 05.10.2018 passed in Cr. Misc. No. 57795 of 2018 (Annexure-2 series).

Considering the aforesaid facts, specially, the non-establishment of the identity of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees 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 Police Station Case No. 58 of 2018, subject to the condition that the petitioner shall fully cooperate with the investigation/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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