

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79045 of 2018

Arising Out of PS. Case No.-1668 Year-2002 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Awadhesh Sharma, S/o Sudama Sharma, R/o. Village- Ghaghariya
Tola (Kharauni tola), P.S. Mirganj, District- Gopalganj,

... .. Petitioner/s

Versus

State Of Bihar and Anr

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satyendra Rai, Adv.

For the Opposite Party/s : Mr.Sri Surendra Prasad Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 30-01-2019 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in
connection with Complaint Case No. 1668 of 2002, Tr. No. 03
of 2018, registered for the offences punishable under Sections
323, 376/34 of the Indian Penal Code.

Complainant who is widow has alleged that while
she along with her children were sleeping in her hut, petitioner
along with one unknown person entered her room and
committed rape on her on the strength of pistol and threatened
to kill her.

It has been submitted on behalf of the petitioner
that he is innocent and has committed no offence. He has been



falsely implicated in this case. There is no medical report of the victim to support the alleged occurrence. Petitioner has no criminal antecedent and is in custody since 26.10.2018.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M, Gopalganj, in connection with Complaint Case No. 1668 of 2002, Tr. No. 03 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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