

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75053 of 2019

Arising Out of PS. Case No.-2 Year-2019 Thana- MAHILA P.S. District- Patna

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RADHE SHYAM KUMAR Son of Raj Narain Prasad Tanti, Resident of
Village - Raghobpur, P.S. - Ranitalab (Kanpa), District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 18-12-2019 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 376, 448, 342, 341 of the
Indian Penal Code and Section 4 of POCSO Act.

Allegation against the petitioner is to have committed
rape upon the informant while she was alone in her home.

It has been submitted on behalf of the petitioner that



he is innocent and has falsely been implicated in this case. It has further been submitted that as per medical report, no sign of violence has been found on any external or internal parts of the person of victim. Petitioner has no criminal antecedent and he is in custody since 05.01.2019.

Considering the facts and circumstances of the case and nature of allegation, I am not inclined to enlarge the petitioner on bail at this stage. Hence, the prayer for bail of the petitioner is hereby rejected.

However, after framing of charges, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Special Case No.03/2019 arising out of Mahila P.S. Case No.02/19, with following 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 the Court and his absence on two consecutive dates without sufficient reason, 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)

Sanjay/-

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