

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14386 of 2020

Arising Out of PS. Case No.-89 Year-2017 Thana- PANDARAK District- Patna

1. CHHATHU MAHTO Son of Shrawan Mahto Resident of Village- Paithani Chak, P.S.- Pandarak, District- Patna.
2. Baijoo Kumar @ Baijoo Mahto Son of Tribhuj Mahato Resident of Village- Paithani Chak, P.S.- Pandarak, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Adv.

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 25-08-2020 The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners, who are in custody, seek bail in a case registered for the offence punishable under Sections 376, 511, 394/34 of the Indian Penal Code.

Petitioners have earlier moved this Court for regular bail vide Cr. Misc. No. 31894 of 2018 which was rejected on 13.12.2018 with a direction to the trial court to conclude the trial within one year.



Informant is a tourist from United Kindom who with her husband were on Ganga excursion and used to spent nights on islands and on the day of occurrence they were in pandarak when petitioners taking her husband on point of gun asked her to have sex with him, somehow they managed to escape.

It has been submitted on behalf of petitioners that petitioners have been apprehended only on suspicion. Charges have been framed on 26.03.2018 under Sections 376/511, 392, 411 of the I.P.C. Petitioners have no criminal antecedents and are in custody since 07.11.2017.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court below, in connection with Sessions Trial No. 186 of 2018 arising out of Pandarak P.S. Case No. 89 of 2017 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-



operate in the trial and shall be properly represented on each and every date fixed by the court and their absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel their bail bond.

(3) If the petitioners 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 petitioners.

(S. Kumar, J)

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