

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24687 of 2020

Arising Out of PS. Case No.-76 Year-2020 Thana- DAWATH District- Rohtas

Suresh Kumar Yadav @ Suresh Singh @ Suresh Yadav, S/O Satyadev Singh,
R/O Vill. - Yogini, P.S. - Dawath, Dist. - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate
For the Opposite Party/s : Smt. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 23-12-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Dawath P.S. Case No.76 of 2020 registered for the offence punishable under Sections 147, 376, 354(A)(B)(C) of the Indian Penal Code.



As per the allegation, the informant has been called telephonically by the petitioner and other co-accused persons while she had gone to attend the call of nature. Petitioner and other co-accused persons were in the quarantine centre at that time and it is alleged that the accused persons have committed gang rape upon the informant.

Counsel for the petitioner submits that it is a false case. The FIR has been lodged 24 hours after the alleged occurrence. The petitioner having no criminal antecedents is in custody since 23.05.2020 on the basis of such false allegation. Falsity is evident from the fact that the medical examination of the victim has not been conducted. In the statement recorded under Section 164 Cr.P.C., the informant has supported the allegation against all the accused persons but subsequently thereto, the informant has compromised the matter with other co-accused persons, except the instant petitioner. The said fact is clear indicative of the falsity of the allegation and the fact that the prosecution has intended with *mala fide*.

Learned APP for the State has opposed the prayer for bail.



Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Bikramganj, Rohtas, in connection with Dawath P.S. Case No.76 of 2020, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings



regarding supply of the requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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