

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 63422 of 2019

Arising Out of PS. Case No.-6 Year-2019 Thana- MAHILA THANA District- Begusarai

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Jitendra Kumar @ Jitendra Kumar Yadav, aged about 25 years, male, Son of
Sitaram Yadav Resident of Village - Bujurgabad, P.S.- Garhpura, District -
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra

For the Opposite Party/s : Ms.Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 05-02-2020 Heard learned counsel for the parties.

The petitioner apprehends his arrest in Mahila
(Begusarai) P.S. Case No. 06 of 2019 registered for the offence
under Sections 376, 323, 341 and 504 of the Indian Penal Code.

As per the prosecution case, the petitioner came at the
house of the informant in the night and told her on mobile to
open the door and thereafter, it is alleged that he caught her and
brought in a field and committed rape with her.

It is submitted on behalf of petitioner that medical
report does not support the accusation of rape. It is further
submitted that in the course of investigation, in paragraph 32 of
the case diary, police has found the case true only under Section
354(B) of the IPC and other sections of the IPC with SC/ST Act,



not under Section 376 of the IPC. It is further submitted that petitioner has falsely been implicated in this case due to village politics. Informant is a daily-wage labourer. Petitioner is having no criminal antecedent.

In view of aforesaid facts & circumstances, in the event of arrest or surrender within a period of six weeks from today, let the above named petitioner be enlarged 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 Chief Judicial Magistrate, Begusarai in connection with Mahila (Begusarai) P.S. Case No. 06 of 2019 on the following conditions:

“(1) Petitioner shall cooperate 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 on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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