

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3387 of 2020

Arising Out of PS. Case No.-131 Year-2013 Thana- JHAJHA District- Jamui

Damodar Singh Son of Late Bhairo Singh Resident of Village - Balliya Dih,
P.S.- Jhajha, Distt.- Jamui. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance

For the Petitioner : Mr. Sanjay Kumar Sharma, Advocate

For the State : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 05-06-2020 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner who is in custody since 8.11.2019 has filed the instant application for grant of regular bail in connection with Jhajha P.S. Case no. 131 of 2013 registered under section 376 of the Indian Penal Code.

As per allegation in the FIR, it is stated that when the informant had gone to sleep after having food, the petitioner came in her house and committed rape on her.

It is submitted by learned counsel for the petitioner that the allegation of the petitioner having committed rape is false, concocted and baseless. He has been falsely implicated in the case because of land dispute between the parties with respect to which a panchayati was also held. Learned counsel for the petitioner further referred to the various statements of the witnesses recorded in course of investigation wherein even lady witnesses who were resident of village have stated in their statement that about 15 days prior to the occurrence, in a dispute between the parties, the petitioner had acted as one of the



Panch and on the decision of the Panch, the petitioner had been threatened of facing dire consequences. It is submitted that it is as a result of the above occurrence that the petitioner has been falsely implicated. The petitioner is in custody since 8.11.2019, the investigation has concluded and he has no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and in the facts and circumstances as stated herein above, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Jhajha P.S. Case no. 131 of 2013 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Jamui.

However, in view of the fact that the case is of the year 2013, the petitioner shall remain present in the court below on each date of the trial and in case of the petitioner not being present on two consecutive dates for reasons not to the satisfaction of the Court below, the learned court below shall cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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