

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18934 of 2021**

Arising Out of PS. Case No.-155 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Ajay Kumar Rai @ Ajay Kumar Son Of Ganesh Rai Resident Of Village-
Chakhaji P.S- Muffassil, Dist Samastipur

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1, Advocate
For the Opposite Party/s : Mr.RS Rai, Addl Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 19-07-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under section 376 and other ancillary sections of the Indian Penal Code.

As per the prosecution case, petitioner entered into the house of the informant and tried to outrage her modesty. However, on raising halla local people came there and he fled away. It is further alleged that after some time, the petitioner along with others came and assaulted her family members.

Learned counsel for the petitioner while denying the allegations, submits that the petitioner is a poor labourer and



the co-villager of the informant and due to village politics he has been implicated in the instant false case lodged after delay of three days of the occurrence without any cogent explanation of delay. No incriminating material has been collected against the petitioner during course of the investigation. Petitioner claims clean antecedent and he is in custody since 29.11.2020.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submissions of the parties, materials available on the record and the period of custody and clean antecedent, let the petitioner, mentioned above, 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 the Additional Chief Judicial Magistrate III, Samastipur in Mufassil Police Station Case No. 155/2020 on the following conditions:-

(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/her 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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