

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23337 of 2021**

Arising Out of PS. Case No.-41 Year-2020 Thana- MAHILA P.S. District- Siwan

=====

BABLU KUMAR @ BALLU KUMAR SON OF UPENDRA MAHTO R/O
VILLAGE- SHIVRAJPUR, P.S.- GORIAKOTHI, DISTRICT- SIWAN.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Rajiv Kumar, Advocate

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 16-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in connection with Siwan Mahila
P.S. Case No. 41 of 2020 registered for the offence punishable
under Section 376(D) of the Indian Penal Code.

Allegation against the petitioner is that he along with
three other accused lifted away the victim lady and committed
rape on her.

Learned counsel for the petitioner submits that
petitioner has been falsely implicated in the present case. The
date of occurrence is 28.06.2020 and the FIR has been lodged
on 01.07.2020 and no explanation has been given for such delay.
Learned counsel further submits that during course of
investigation, witnesses have categorically stated that no such



occurrence as alleged by the informant has taken place. He further submits that allegation of rape is against co-accused, namely, Dhananjay Singh and Vijay Kumar. Allegation against the petitioner is that he caught hold the hand of the victim. Petitioner has got no criminal antecedent and is in custody since 23.12.2020.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Siwan Mahila P.S. Case No. 41 of 2020.

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 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.

(Rajesh Kumar Verma, J)

shahzad/-

U		T	
---	--	---	--

