

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35207 of 2020

Arising Out of PS. Case No.-163 Year-2020 Thana- BARAULI District- Gopalganj

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Bittu Bin, Son of Dhui Bin, Resident of Village - Rupanchhap, P.S. - Barauli,
District – Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Niranjana Kumar

For the Opposite Party/s : Mrs. Indeewar Kumari

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-01-2021 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 341, 323, 328, 376, 506/34
of the Indian Penal Code.

The prosecution case in brief is that the informant
alleging therein that on 25.06.2020 at about 7.00 pm in the
evening when her daughter aged about 18 years went for natural
call in the meanwhile, four named accused persons including the
petitioner, caught her from back and they hit her head on Semar
Tree, administered intoxicated medicine and thereafter, taken
her on motorcycle. It has also been alleged that she was kept in
a hut near the Rampur Highway, after expiry of some time when
she did not return then she started to search her till late night
and in the next morning her daughter found in the bank of the



river near Mushartoli in an unconscious condition. It has further been alleged that thereafter the daughter of the informant was brought to the Barauli Primary Health Centre, from where she has been shifted to Sadar Hospital, Gopalganj for better treatment. It has further been alleged that when she become conscious she disclosed that the accused persons have threatened her for dire consequences if the same will be disclosed to the family members.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. There is land dispute between the parties. The victim was examined by the medical board on 26.06.2020 and the doctor has assessed her aged 18-19 years and there is no evidence of clearly assault. After two months ago i.e. 28.08.2020, the statement of victim was recorded under section 164 Cr.P.C. in which supported the prosecution story. He further submits that on that time, the statement of victim is not recorded under Section 164 Cr.P.C. after medical thought victim has supported the prosecution case. The petitioner is in custody since 30.06.2020 and has got no criminal antecedent.

Learned APP for the State opposes the prayer for bail petition.



In the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of the charge** on furnishing bail bond of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each in connection with Barauli P.S. Case No. 163/2020 to the satisfaction of the learned Judicial Magistrate, 1st Class, Gopalganj, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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