IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 1311 of 2021

Arising Out of PS. Case No.-271 Year-2019 Thana- JANDAHA District- Vaishali

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JAGTANAND @ JAGU @ JAGJIT RAI

... ... Petitioner/s

Versus

THE STATE OF BIHAR

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr Mahendra Narayan, Sr Advocate with
Mr Rajeev Ranjan Sinha, Advocate
For the Opposite Party/s : Mr Dilip Kumar No 1, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 **26-03-2021** Heard learned senior counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in Jandaha Police Station (for brevity, *PS*) Case No 271 of 2019 instituted for the offence punishable under Sections 342, 376, 323, 506/34 of Indian Penal Code and Sections 4/8 of Protection of Children from Sexual Offences Act.

Informant has alleged that when she moved out of her house in the night, she has been taken away by three persons including the petitioner. One of the co-accused Kaushal Rai has committed rape while two other accused persons including the petitioner were standing guard outside the poultry farm.

As per submission of the learned senior counsel for

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the petitioner, the allegations in the First Information Report, in so far as the petitioner is concerned, is that he was standing guard outside the poultry farm. It is this allegation which has been reiterated by the alleged victim while her statement was recorded under Section 164 of Criminal Procedure Code. Upon medical examination, the age of the victim has been assessed between 17 to 19 years. The instant petitioner has no criminal antecedent and he is stated to be in custody since 06.11.2019.

Learned APP has opposed the prayer for bail.

In view of the aforesaid circumstances, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I -cum- Special Judge, Vaishali at Hajipur in Jandaha PS Case No 271 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on

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each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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