

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3709 of 2022

Arising Out of PS. Case No.-415 Year-2021 Thana- GAYA MUFASIL District- Gaya

Suraj Kumar @ Suraj Kumar Yadav @ Suraj Kumar Yadav, Son of Sanju Yadav, Resident of Sidiyarthpuri Colony, Gaurakshni More, P.S.- Muffasil, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad, Advocate

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-06-2022 Heard learned counsel for the petitioner and learned APP
for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from today.

In the present case, the petitioner seeks bail in connection with Muffasil P.S. Case No. 415 of 2021 registered for the alleged offences under Sections 363, 323, 376/511/34 of the Indian Penal Code.

The allegation against the petitioner is that he and other co-accused persons threatened the informant and made attempt to commit rape upon her.

It has been submitted by the learned counsel for the petitioner that the prosecution story is highly improbable. The



victim appears to have willingly gone with the co-accused BablooYadav and there are contradictory statement made in the FIR and the statement recorded under Section 164 Cr. P.C. The victim has not even named this petitioner in her statement under Section 164 Cr. P.C. and after this case, the petitioner has been shown as an accused in another case. The petitioner is in custody since 22.09.2021.

The contention of the petitioner has been vehemently opposed by learned APP.

Having regard to the submission made hereinabove and considering the fact that there appears some contradiction in the statement recorded at different times and the petitioner has not been named in the statement of the victim recorded under Section 164 Cr. P.C., though she has mentioned his name in the fardbeyan earlier and as the petitioner is in custody since 22.09.2021, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Muffasil P.S. Case No.415 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of



the petitioner, preferably one of the parents.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) The petitioner will not in any way contact either the victim or any of the witnesses and will not try to influence the trial.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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