

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4983 of 2022

Arising Out of PS. Case No.-373 Year-2021 Thana- GORAUL District- Vaishali

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Bharat Rai, Son of Mukhi Rai, Resident of Village - Ghanghati Jalalpur, P.S.-
Mahua, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s: Mr.Awadhesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 30-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be re-
moved within a period of four weeks.

In the present case, the petitioner seeks bail in connec-
tion with Goraul P.S. Case No. 373 of 2021 registered for the
alleged offences under Sections 366(A) and 34 of the Indian Pe-
nal Code.

As per prosecution case, the sister of the informant
was enticed away by the petitioner and other co-accused persons
with intention to kill her.

Learned counsel for the petitioner submits that the pe-
titioner is innocent and has been falsely implicated in this case.
The age of the petitioner was assessed by the Medical Board

and it is stated to be 18-20 years. No injury mark was found on the body of the victim. Learned counsel further submits that it is a case of elopement and this fact has also been mentioned in the medical report. The victim refused to undergo any internal examination. Learned counsel further submits that there is contradiction between the statements recorded under Section 161 Cr.P.C. and 164 Cr.P.C. While recording her statement under Section 164 Cr.P.C. the victim girl under influence of her father has stated about the petitioner administering her with an intoxicating substance, but this fact was not stated before the police when her statement was being recorded. Learned counsel further submits that the petitioner is in custody since 26.09.2021 and charge-sheet has been submitted. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the possibility of elopement by the victim girl who is stated to be a major, and further considering the clean antecedent of the petitioner along with the period of the custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty

thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Goraul P.S. Case No. 373 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on 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)

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