

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8328 of 2022

Arising Out of PS. Case No.-122 Year-2021 Thana- MAHILA P.S. District- Patna

Shyam Jee Yadav @ Shyamjee Kumar Son of Nageshwar Ray, Resident of
Mohalla- Bishanpur Pakri, P.S.- Beur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 20892 of 2022

Arising Out of PS. Case No.-122 Year-2021 Thana- MAHILA P.S. District- Patna

1. Vishal Kumar Son of Umesh Sao, R/o - Bishunpura Pakari, P.S.- Beur,
District- Patna.
2. Ankeet Kumar @ Sharwan Kumar S/o- Joginder Rai, R/o - Bishunpura
Pakari, P.S.- Beur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 8328 of 2022)

For the Petitioner/s : Mr. Dinu Kumar, Advocate
Mr. Vardaan Mangalam, Advocate
Ms. Ritika Rani, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 20892 of 2022)

For the Petitioner/s : Mr. Sanjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-08-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.



Petitioners seek bail in a case registered for the offences punishable under Sections 341, 328, 376(d) of the Indian Penal Code.

According to prosecution case, in brief, is that Rohini Kumari wife of Sonu Kumar made written complaint addressed to S.H.O. Mahila police station Patna alleging therein that on 25.09.2021 when she left her house for village Samho Totha, District-Begusarai alonge while she travel some distance from house three unknown persons took away forcibly to her in a field behind the Mohalla and committed physical relationship after administering poisonous substance. The informant was left near Railway Patna Junction after roar GRP police reached there at and caught two accused persons who disclosed their identity Vishal Kumar and Ankit Kumar.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the F.I.R. that petitioner no.1 is not named in the F.I.R. and petitioner no.2 is in the name of the F.I.R. but it appears from the statement of the victim girl recorded under sections 161 Cr.P.C. and 164 Cr.P.C. that both are contradict each other. He further submits that it has come in



paragraph no. 32 of the case diary that she has refused for medical examination and the police after investigation submitted the charge sheet against the petitioners. The petitioner no.1 is in custody since 01.11.2021 and petitioner no.2 is in custody since 27.09.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Mahila P.S. Case No. 122 of 2021, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation



of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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