

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15997 of 2022

Arising Out of PS. Case No.-341 Year-2020 Thana- BODHGAYA District- Gaya

Shambhu Kumar Son of Siyaram Yadav Resident of Village - Hariharpur, P.s.-
Bodhgaya, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 03-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bodhgaya P.S. Case No. 341 of 2020 lodged under Section
376(D) of the Indian Penal Code.

Learned counsel for the petitioner further submits that
a false allegation has been made in the F.I.R. due to the reason
that upon call informant has started demanding more money for
which petitioner was not ready (this submission has specifically
been made by the petitioner in paragraph-6 of the petition). He
further submits that the informant has clearly stated in her
statement recorded under Section 164 Cr.P.C. that no sexual

assault was made with her. He further submits that petitioner is in custody since 29.12.2021 having clean antecedent, chargesheet has already been filed in this case. He also submits that other co-accused Sanjay Kumar having same allegation, as like that of petitioner has been granted bail by the session court itself due to the reason that chargesheet was filed against Sanjay Kumar. But at the time of hearing of bail application of petitioner before the session court, chargesheet was not filed against the him, it is due to this reason his bail was rejected by the session court.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Bodhgaya P.S. Case No. 341 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date

fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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