

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35469 of 2021

Arising Out of PS. Case No.-49 Year-2014 Thana- HATHAURI District- Muzaffarpur

Ganesh Pandit S/o Late Budhu Pandit Resident Of Village Dudhiya Tola,
Kafen, P.S-Hathauri, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 03-01-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Hathauri P.S. Case No. 49 of 2014 instituted for the offences
under Sections 323, 379, 504, 376 and 354 of the Indian Penal
Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 05.04.2019, is a person with clean
antecedent, charge-sheet has been submitted in the case and
charges have been framed in the year 2019 itself but till date no
prosecution witness has been examined.

Learned counsel for the petitioner submits that the
present F.I.R. arises out of a complaint case made by the
informant (complainant) wherein she has alleged that the



petitioner had taken her to Mumbai for a vacation and it is alleged that the petitioner at Mumbai raped her from 25.03.2014 to 04.04.2014 and assured the informant (complainant) not to disclose the same to anyone as he would be giving her land and money.

Learned counsel for the petitioner submits that the very fact that a complaint case came to be instituted instead of an F.I.R. prima facie demonstrates that the informant (complainant) never intended to have a medical check-up with regard to ascertaining of the allegation. Learned counsel further submits that despite framing of charge no witness till date has been examined. A report was called for by order dated 03.12.2021 with regard to the stage of the trial, the report has been received and from perusal of which it appears that till date not a single witness has been examined but the court below has recorded that steps will be taken to expedite the trial.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 05.04.2019, charge-sheet has been submitted in the case and the petitioner is a person with clean antecedent, let the petitioner above named be released on bail on furnishing bail



bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned 15th Addl. District and Sessions Judge, Muzaffarpur in connection with Hathauri P.S. Case No. 49 of 2014 with a condition that in the event the petitioner does not attend the trial on two consecutive dates, the Court below will be at liberty to cancel his bail bonds.

(Satyavrat Verma, J)

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