

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39036 of 2021

Arising Out of PS. Case No.-27 Year-2021 Thana- JAMUI District- Jamui

MD BIHARI Son of Md. Tuntun Resident of Village- Mora Talab, P.S.- Rahui
(Bhagan Bigha O.P.), Distict- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhim Sen Prasad, Adv.

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 07-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 341, 342, 354B, 376, 511, 323 and 307 of the Indian Penal Code.

As per the prosecution case, the informant states that she took a lift in the pickup vehicle being driven by this petitioner. On way, she states that the driver made an attempt to commit rape and also struck her with iron rod on her head leading to injury. On raising *hulla* the villagers caught the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. The injury report does not support the allegation of



rape. The so called injury found on the body of the informant is simple in nature. He is in custody since 22.1.2021 and has no criminal antecedent. Chargesheet has been submitted in the case. The petitioner undertakes to cooperate in the trial.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and on going through the materials on record it transpires that as per the injury report, a skin deep lacerated wound has been found on the forehead of the informant which in the opinion of the doctor is simple in nature.

Taking into consideration the materials on record together with the petitioner being in custody for more than 1 year and investigation in the case having concluded, the Court directs the petitioner to be enlarged on bail in connection with Jamui P.S. Case no. 27 of 2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jamui on the following conditions:-

(1) One of the bailor of the petitioner shall be his close relative.

(2) The petitioner shall remain physically present in the trial Court on each date of the trial. In case, the learned trial



Court is of the opinion that the trial is being delayed due to noncooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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