

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30681 of 2022

Arising Out of PS. Case No.-116 Year-2011 Thana- GANGABRIDGE District- Vaishali

DEVANAND RAI @ DEVANAND RAY, aged about 28 yrs. Male, S/o
Nathun Prasad Ray, R/o Village- Terasiya, P.S. Ganga Bridge, District,
Vaishali, Bihar- 844102

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 17-08-2022 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 376/34 of the Indian Penal
Code.

Earlier also, petitioner had moved this Court for grant
of regular bail which was rejected twice vide Annexue 1 and
Annexure 1/A.

Informant has alleged that on 08.10.2011, while she
was sleeping in her house after taking meal, petitioner along
with other FIR named accused persons entered in her house and
pressed her mouth and after lifting her, took her in a newly
constructed house and they committed rape upon her turn-wise.

It has been submitted on behalf of the petitioner that

he is innocent and has falsely been implicated in this case due to previous enmity. It is further submitted that the manner of occurrence as disclosed in the FIR is highly improbable as other family members were sleeping by her side. According to medical report girl is not minor.

It is further submitted that informant in her deposition has stated that my aunt was sleeping along with me and my mother was sleeping near me and my father was sleeping at the Dura and it is highly improbable that neither her parents nor her aunt could see or hear any sound/whisper, while she was forcibly being taken away outside from the house by the accused persons, which itself falsifies the prosecution story.

Petitioner has no criminal antecedent and he is in custody since 23.04.2018, i.e., more than four years.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with S. Tr. No.373/2019 arising out of Ganga P.S. Case No. 116 of 2011 with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, trial court shall cancel bail of the petitioner.

(S. Kumar, J)

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