

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47286 of 2021

Arising Out of PS. Case No.-97 Year-2006 Thana- KESARIA District- East Champaran

BHURAI RAI @ BHUTAI RAI Son of Singhashan Rai Resident of Village -
Sundarpur Pachhiyari Tola, P.S.- Kesariya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the State : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 20-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 354, 376, 511 of the Indian Penal Code.

As per prosecution case, in brief, it is alleged by the informant Paras Sahani that on 14.12.2006 at about 2:00 P.M. while her daughter went to attend natural call in sugarcane field in the meantime accused petitioner Bhutai Rai came and tried to commit rape. On alarm raised by her daughter, some persons namely Suresh Sahani, Bhagwan Sahani, Virendra Sahani and



Motak Sahani came and saved her and then the accused petitioner fled away.

Learned counsel for the petitioner submits that police after investigation submitted chargesheet against the petitioner under Sections 342, 323, 376/511 of the Indian Penal Code. Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that it appears from the record that the prosecution has not examined the victim under Section 164 of the Cr. P.C. and the victim was not examined by the doctor and there is no medical report available on record. So the prosecution has failed to establish the allegation against the petitioner. Further submits that it appears from the ordersheet from 29.03.2007 to 17.02.2022 there is no service report of warrant of arrest eitherailable or non-bailable or process under Section 82 and 83 of the Cr. P.C. and in fact the petitioner had no knowledge about the case it appears from the ordersheet itself. The petitioner is in custody since 20.04.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner. Learned counsel for the State fairly submits that it appears from the record that there is no medical report as well as statement of victim girl under Section 164 Cr.



P.C. is available.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sessions Trial No. 310 of 2021 arising out of Kesariya P.S. Case No. 97 of 2006, with the following conditions :-

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

(2) If the petitioner tampers with the evidence or the witness, 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 petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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