

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40589 of 2022

Arising Out of PS. Case No.-224 Year-2020 Thana- DIGHWARA District- Saran

BOLBAM RAI @ BHOLBAM RAY SON OF GANPAT RAY @ GANAUR
RAI R/O VILLAGE- NAWAL TOLA, P.S.- DIGHWARA, DISTRICT-
SARAN AT CHAPRA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-10-2022

Heard Mr.Jitendra Narain Sinha, learned counsel for
the petitioner and learned counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Dighwara P.S. Case No. 224 of 2020 for the offences
under Sections 376D/34 of the Indian Penal Code.

As per the prosecution story, As per the prosecution
which was alleged by the written report that informant was
sleeping alone in her house, then all of a sudden the petitioner
along with other named accused entered in her house after
torning Tati and committed rape with her. They further
threatened not to raise 'Hulla' and/or to call police, failing
which will face dire consequences.



Learned counsel for the petitioner submits that the allegation made in the FIR do not corroborate with the medical report inasmuch as the Doctors have not found the sign of recent sexual intercourse. It is further submitted by the learned counsel for the petitioner that he do not have criminal antecedent. It is lastly submitted by him that both him and Chulbul Rai have been assigned the same role inasmuch as of allegation of rape. The said Chulbul Rai has since been released on bail by coordinate bench of this Court vide Cr. Misc. No. 22371 of 2022 on 1.9.2022.

Taking into account his period of incarceration, 2.12.2021, he do not have criminal antecedent, charge-sheet stands submitted and since the similarly placed co-accused Chulbul Rai has since been released, as stated above, this Court has to follow the footsteps and grant him bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned 1st, Additional Sessions Judge, Saran at Chapra in connection with Sessions Trial No. 161 of 2022 arising out of Dighwara P.S. Case No. 224 of 2020 subject to the following conditions:-

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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