

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53026 of 2021**

Arising Out of PS. Case No.-121 Year-2018 Thana- MAHUA District- Vaishali

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DILIP RAI @ DILIP RAY S/o Late Saukhi Rai R/o village- Khanpatti
Chowk, P.S.- Mahua, District- Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Nandan, Adv.

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

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 04-04-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 376 and 511 of the Indian Penal
Code.

The petitioner is said to have tried to commit rape
upon the daughter of the informant.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that earlier the prayer for bail of this
petitioner had been rejected by a co-ordinate Bench of this
Court vide order dated 04.11.2020 passed in Cr. Misc. No.



20765 of 2020 with a direction to the court below to expedite the trial and try to concluded the same as early as possible, but the report received from the court below suggests that out of nine chare-sheet witnesse, only one witness, who is doctor, has been examined as yet and the rest witnesses are yet to be examined. He further submits that according to the report, the trial of the case is not likely to be concluded in near future. Hence, the petitioner, who is rotting in judicial custody since 21.11.2019 i.e. more than two years may be directed to be enlarged on bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and does not deny the factual aspect of the trial.

Considering the facts and circumstances of the case and the period of custody, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (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 Mahua P.S. Case No. 121 of 2018 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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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