

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55590 of 2021

Arising Out of PS. Case No.-4 Year-2018 Thana- GOVINDPUR District- Nawada

=====

DILCHAND PATEL S/o Chhedu Ram Patel R/o village- Mauhadih, P.S.-
Bira, District- Janggira Chapa, State- Chhatisgarh

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s :	Mr. Vijay Bardhan Pandey, Advocate.
For the Opposite Party/s :	Mr. Anuj Kumar Shrivastava, APP.
For the Informant :	Mr. Om Prakash Kumar, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 05-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Vijay Bardhan Pandey, learned counsel for the petitioner, Mr. Om Prakash Kumar, learned counsel for the informant as well as Mr. Anuj Kumar Shrivastava, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Govindpur P. S. Case No. 04 of 2018 registered for the offences punishable under Sections 395, 354, 354A and 376 of the Indian Penal Code.

As per the prosecution case, it is alleged that the



informant had been living with others in Sant Kutir Ashram, Baihyar More as Sanyashi since 8 to 10 years. It is also alleged that on 12.12.2017 at about 10.00 P.M. Co-accused Tapashanand along with 8-10 persons entered into the Ashram with pistol, however, the informant identified the petitioner and other 5-6 persons, who were resident of the same district. It is further alleged that having heard *hulla*, other Sadhvis came there, who have been over powered by other co-accused persons, who have committed rape with them. It is next alleged that co-accused Tapashanand also looted Rs. 1,11,000/-.

Learned counsel appearing on behalf of the petitioner submitted that earlier the petitioner apprehending his arrest came before this court along with other co-accused persons in Cr. Misc. No. 17106 of 2018 and the Hon'ble Court having taken into consideration the fact that during the course of investigation, the statement of of all the three victims have been recorded and they have not levelled any specific allegation against the petitioner, has been pleased to allow the privilege of bail to the petitioner, however, he could not surrendered and appeared before the jurisdictional court within the time prescribed and as such, he has not been allowed the privilege of bail. It is next submitted that the petitioner was arrested in



connection with another case and thereafter, he has been remanded in this case and he is in custody since 26.02.2021.

On the other hand, learned counsel for the informant opposes the bail application and submits that even after allowing the privilege of anticipatory bail, the petitioner remained absconded for such a long period, thereafter, he was arrested in connection with similar kind of case and from there he was remanded in the present case. He next submitted that the petitioner has two criminal antecedent of similar nature and now the case has been committed to the court of sessions and the trial has commenced. He also submits that his release would result into tampering of the evidences.

Learned APP for the State also opposes the bail application.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the petitioner had already been granted anticipatory by learned coordinate Bench of this court vide order dated 18.05.2018 by considering the materials available on record and now the petitioner is in custody since 26.02.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the



like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Govindpur P. S. Case No. 04 of 2018, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

shakir/-

U		T	
---	--	---	--

