

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57302 of 2021

Arising Out of PS. Case No.-99 Year-2013 Thana- LAUKAHI District- Madhubani

-
1. ARVIND DAS SON OF MR. BITTU DAS R/O VILLAGE-HARBHANGA, P.S.- LAUKAHI, DISTRICT- MADHUBANI
 2. SHIB KUMAR DAS SON OF MR. SONELAL DAS R/O VILLAGE-LAUKAHI, P.S.- LAUKAHI, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivam, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-04-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 366(A) and 376 of the Indian Penal Code.

The daughter of the informant is said to have been abducted and she is alleged to have been raped by the petitioner and others.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that in fact, there was love affair between the co-accused, Vishwanath Das and the victim. He further submits that the victim has been examined by the doctor but the doctor has not found any external and internal injury on



the victim and her has been assessed as seventeen years. He further submits that the medical report does not corroborate with the allegation levelled in the F.I.R. as well as the statement of the victim recorded under Section 164 Cr.P.C. He further submits that there is general and omnibus allegation against the petitioners and no specific allegation of any overt act is attributed to them. He further submits that the co-accused, Vishwanath Das, against whom allegation of rape is attributed in the F.I.R., has been granted bail under the Juvenile Justice Act. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioner Nos.1 and 2, who are of no fault, are rotting in judicial custody since 25.06.2021 and 27.06.2021, respectively.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioner No.2 carries one more case other than the present one whereas the petitioner No1 is bear no criminal history.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Laukahi P.S. Case No. 99 of 2013 with the following conditions:-

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

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

brajesh/-

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

