

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57220 of 2021

Arising Out of PS. Case No.-172 Year-2020 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Suraj Kumar Son of Sanjay Ray @ Sanjay Kumar Ray Resident of Village-
Kalyanpur, Basti Tola Tara, P.S.-Mohiuddin Nagar, District- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 201, 302/34, 376(2)(g) of the Indian Penal Code but after investigation police submitted charge sheet against the petitioner under Section 376(2)G/34 of the Indian Penal Code and Section 66(A) of I.T. Act, 2000.

According to prosecution case, one Birendra Rai given written complaint to S.H.O. Md. Nagar, stating therein that on 18.09.2020 in the morning the mother of petitioner namely Ram Sakhi Devi went for natural call in corn field of Prabhu Rai then Rangi Kumar, Suraj Kumar, Nitesh Kumar, Mithilesh Kumar



and Dilkhush Kumar allegedly caught his mother intoxicated he and committed raper with her.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that during course of investigation police found that the deceased's husband and son had themselves killed the deceased and thrown her in the water and police found a case is true against son, husband and other family members of the deceased under Section 302, 201/34 of the Indian Penal Code. He further submits that the police after investigation submitted the charge sheet against the petitioner under section 376(2)(g) and Section 66(A) of I.T. Act, 2000 but husband and son of the deceased cremated the dead body of the deceased therefore evidence of rape is not available on the record. The petitioner is in custody since 22.09.2020.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Mohiuddin



Nagar P.S. Case No. 172 of 2020, subject to 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 witnesses, 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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