

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27453 of 2023

Arising Out of PS. Case No.-388 Year-2022 Thana- PHULWARIYA District- Gopalganj

Bulet Yadav S/O Sivsankar Yadav @ Shiv Shankar Yadav Resident Of
Village- Rampur Kala, Sukhanar, P.S.- Phulwariya, District- Gopalganj.
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Shukla, Advocate

For the Opposite Party/s : Mr. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 11-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
18.01.2023 in connection with Phulwariya P.S. Case No. 388 of
2022, F.I.R. dated 27.08.2022 for the offences punishable under
Sections 365, 417, 379, 376 and 34 of the Indian Penal Code.

3. According to prosecution case, the informant is
said to have been abducted and raped and loot of twelve sets of
jewelry, worth Rs. 1,50,000, cash of Rs. 80,000/- and silver
jewelry has been made.

4. 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 the
allegation as alleged in the F.I.R./Complaint-Petition, is false
and fabricated and he has not committed any offence. He further
submits that even the statement of victim was recorded under



Section 164 of the Cr.P.C and medical report was also not available on record to suggest that such occurrence has even taken place. He further submits that from the perusal of the F.I.R./Complaint- Petition, it appears that the dated of occurrence is 06.06.2019 and the present Complaint-Petition has been filed by the complainant on 29.08.2019 after a delay of about 84 days. He further submits that it has come during the investigation in Paragraph Nos.- 8 and 9 of the Case Diary that the victim has left her house and she is living with the co-accused person, namely, **Nandan Yadav @ Nandan Kumar Yadav**, who has been granted bail vide order dated 14.07.2023 in Cr. Misc. No. 29023 of 2023 by the co-ordinate Bench of this Court. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 18.01.2023.

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

6. 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 Additional Chief Judicial Magistrate – 16th, Gopalganj, in connection with



Phulwariya P.S. Case No. 388 of 2022, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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