

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29970 of 2023

Arising Out of PS. Case No.-213 Year-2022 Thana- CHANDAUTI District- Gaya

SHEKHAR GIRI @ SHEKHAR KUMAR GIRI Son of Arun Bharti @ Arun
Giri Resident of village - Korma, P.S. - Chandauti, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Shankar Sahay, Adv. Mr.Chandra Mohan Jha, Adv. Mr. Rakesh Kumar Mishra, Adv.
For the Opposite Party/s :		Mr.Sanjay Kumar Tiwary, aPP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Chandauti P.S. Case No. 213 of 2022 registered for the
offence under Sections 365 of the Indian Penal Code.

The petitioner along with other have taken away
the daughter of the informant and committed rape upon her.

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 merely
on the basis of suspicion. He further submits that the
allegation, as alleged in the F.I.R., is false and fabricated and
the petitioner has not committed any offence. He further



submits that in fact, the victim is a married lady. He further submits that the victim has been recovered and her statement was recorded under Section 164 Cr.P.C. in which she has not stated that the petitioner has committed rape upon her. He further submits that the police after investigation has submitted charge-sheet under Section 365 and 376 of the Indian Penal Code against the petitioner. The petitioner is rotting in judicial custody since 07.06.2022.

Learned counsel for the informant as well as learned A.P.P. for the State opposed the prayer for bail of the petitioner and submits that the victim in her statement recorded under Section 164 Cr.P.C. has categorically stated that the petitioner has abducted her but she has not stated anything about the petitioner about any overt act.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Gaya in connection with Chandauti P.S. Case No. 213 of 2022 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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