

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40647 of 2023

Arising Out of PS. Case No.-268 Year-2020 Thana- LAKHNAUR District- Madhubani

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DILIP KUMAR SON OF GANGA PRASAD MAHTO RESIDENT OF
VILLAGE - HARBHANGA, P.O. - LAKHNOUR, DISTRICT -
MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR , PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	: Ms. Kumari Shubham, Advocate
For the Opposite Party/s	: Mr. Bharat Bhushan, APP
For the Informant	: Mr. Krishna Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 01-09-2023 Heard the parties.

The petitioner is in custody in connection with Lakhnaur (R.S.O.P.) P.S. Case No. 268 of 2020 for the offence under Sections 342, 365, 376, 506 and 34 of the Indian Penal Code lodged on 11.11.2020 by the informant, Janki Devi.

The matter relates to kidnapping, gang rape as well as attempt to murder by setting the lady on fire. The statement made in the FIR has been fully corroborated by her under Section 164 of the Cr.P.C.

Earlier the case of the petitioner was heard and rejected on 07.04.2022 in Cr. Misc. No. 53929 of 2021.

Again, a fresh application has been preferred whereafter a report was called for, which has since been



received vide Letter no. 228/2023 dated 28.07.2023 according to which charges have been framed in the matter.

Learned counsel for the petitioner submits that he has remained in custody since 01.04.2021 (as stated in paragraph 15 of the petition). Further, almost with similar allegation, one Lalan Kumar has since been granted bail vide Cr. Misc. No. 66217 of 2022 on 19.04.2023 (Annexure-5 to the petition).

The further submission is that there are photographs to show that the lady was in relationship with Lalan Kumar and later, solemnized marriage. The further contention is that if granted bail, he will be diligently appearing in trial.

Learned counsel for the informant, on the other hand, opposes the prayer stating that allegation of gang rape is against all the accused persons including the petitioner herein.

Learned APP imposes the submission of the informant but concedes that the main accused, Lalan Kumar is out of jail.

Taking into account the aforesaid facts, submissions put forward by the parties as also the fact that the petitioner has remained in custody for more than two years, will be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions.



Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-I, Jhanjharpur, District- Madhubani, in connection with Lakhnaur (R.S.O.P.) P.S. Case No. 268 of 2020 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty



to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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