

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45528 of 2023

Arising Out of PS. Case No.-277 Year-2022 Thana- JANDAHA District- Vaishali

ABHAY KUMAR Son of Shri Amal Paswan R/O Village - Adalpur, P.S.-
Jandaha, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 02-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Jandaha P.S. Case No. 277 of 2022 registered under Sections 376 (D) & 34 of the Indian Penal Code and under section 67 of the I.T. Act, lodged on 10.09.2022 by the informant, Darshan Paswan.

The prosecution story in brief in that on 08.09.2020, when the victim/daughter of the informant was going to Middle School, Andhrabar for studying and as he reached near Hanuman Mandir, one Amod Ram caught her forcibly, took to a secluded place and thereafter, gang raped her. The accused were named as Raushan Kumar, Chhotu Paswan and three unknown persons. The informant further alleged that they threatened her



of dire consequences if she discloses the occurrence.
Accordingly, the FIR.

Earlier prayer for bail of the petitioner was rejected vide order dated 17.04.2023 passed in Cr. Misc. No.74578 of 2022.

Considering the kind of allegation that has come against the petitioner, this court was not inclined to grant him any relief but considering the fact that similar placed other co-accuseds have since been extended with the privilege of bail (as contained in Annexure 4 to the present petition), this Court has no option but to follow suit.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Session Judge- VI, cum Special Judge, POSCO Vaishali at Hajipur, in connection with Jandaha P.S. Case No. 277 of 2022 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 month before the Trial court and failure to do so for two



consecutive dates without plausible reason will entail cancellation of his/her 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 attendance;

(iii) 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 his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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