

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53140 of 2023

Arising Out of PS. Case No.-6 Year-2020 Thana- MAHILA PS District- Gaya

MANISH KUMAR Son of Late Ram Lakhan Yadav Resident of village -
Shahwajpur, P.S. - Chandauti, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priya Ranjan, Advocate

For the Opposite Party/s : Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Mahila P.S. Case No. 06 of 2020 registered under Sections 376 (D) of the Indian Penal Code lodged on 16.06.2020 by the informant, Puja Devi.

As per the prosecution story, the informant alleged that she was called by one Ram Babu Yadav @ Rambabu Kumar, who took her on a motorcycle near Nawada school, called his friend followed by assault/rape. Accordingly, the FIR.

It is the case of the petitioner that only to extract money, number of persons have been made accused. The main allegation is against Ram Babu Yadav @ Rambabu Kumar, who had taken her on a motorcycle, he has subsequently granted bail



vide order dated 25.07.2023 passed in Cr. Misc. No. 44276 of 2023. It is his further submission that other two co-accused have been granted bail which are part of the petition as Annexure-2 series. He has remained in custody since 07.05.2023 (paragraph-11 of the petition).

Learned APP for the State opposes the prayer for bail stating that it is a case of rape and the informant has made allegation.

Considering the submissions put forward by the learned counsel for the petitioner, the materials on record, the main culprit, Ram Babu Yadav @ Rambabu Kumar is on bail, he is in custody since 07.05.2023 and do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

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 Judicial Magistrate, 1st Class, Gayain connection with Mahila P.S. Case No. 06 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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark 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 his 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 the bail bonds.

(Rajiv Roy, J)

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