

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59063 of 2023

Arising Out of PS. Case No.-6 Year-2022 Thana- MAHILA P.S. District- Lakhisarai

VICKY KUMAR @ RAUSHAN KUMAR @ RAUSHAN S/O GANESH
SAW R/O VILLAGE- MANOHARPUR, PS. BIRUPUR, DIST.
LAKHISARAI Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Raju, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-09-2023 Since the trial is on, the petitioner will be appearing on each and every date failing which, the prosecution would be at liberty to seek cancellation of his bail bond.

2. Heard Mr. Dharmendra Kumar Raju, learned counsel for the petitioner and Mr. Jitendra Kumar Singh, learned APP for the State.

3.The petitioner is in judicial custody in connection with Lakhisarai Mahila P.S. Case No. 06 of 2022 for the offence punishable under Section 376 of the Indian Penal Code lodged on 16.2.2022 by the informant, Sangeeta Devi.

4. As per the prosecution story, the allegation is that the informant who is a married lady, had gone to pluck tomato where this petitioner raped her. On her cry, the brother-in-law, Umesh Mahto came and rescued her. The petitioner fled away whereafter, the FIR.

5. Learned counsel for the petitioner has taken this



Court to the deposition made by the lady before the trial Court in which she has stated that although a person raped her but she could not identify him and did not take the name of the present petitioner. She has further deposed that she has put her LTI on blank paper before the police.

6. Learned APP opposes the prayer stating that her brother-in-law, Umesh Mahto has deposed that the lady had given his name.

7. Though, initially in the FIR, the name of the petitioner was mentioned and even her brother-in-law has deposed that she had earlier given his name, in view of the deposition made by her before the trial Court stating that she could not identify the accused person and further did not named this petitioner, he is in custody since 16.11.2022 (para-12 of the petition) and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Lakhisarai, in connection with Lakhisarai Mahila P.S. Case No. 06 of 2022 (ST No. 43 of 2003) 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 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 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.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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