

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61496 of 2022

Arising Out of PS. Case No.-160 Year-2022 Thana- DURGAWATI District- Kaimur (Bhabua)

Mastana @ Mastun Thakur S/O Late Ram Kishun Thakur Resident of Village-
Kalyanpur, P.S.- Durgawati, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Adv.

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with S.Tr. No. 367/2022 arising out of Durgawati P.S. Case No. 160 of 2022 registered for the offence punishable under Section 376/34 of the Indian Penal Code.

As per the prosecution, the informant was raped by the co-accused Mangal Pandey when she went to the house of this petitioner to get medicine from the wife of this petitioner, who is a Asha worker.

The main submissions advanced by learned counsel

Mr. Chandra Mohan Jha appearing for the petitioner are that as per the FIR, the main allegation is against the co-accused namely Mangal Pandey, who has been granted bail by a co-ordinate Bench of this Court vide order dated 16.02.2023 passed in Cr. Misc. No. 55919/2022 and in the FIR there is no any allegation against the petitioner except him being shown as husband of co-accused Maya Devi and the petitioner has fair and clean antecedent and has been languishing in jail since 12.06.2022.

Learned APP Mr. Syed Ehteshamuddin appearing for the State has opposed the bail prayer.

In view of the facts, as stated above and mainly considering the privilege of bail having been granted to the main accused by a co-ordinate Bench of this Court, in the opinion of this Court the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with S.Tr. No. 367/2022 arising out of Durgawati P.S. Case No. 160 of 2022.

(Shailendra Singh, J)

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