

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63563 of 2022

Arising Out of PS. Case No.-261 Year-2019 Thana- GURUA District- Gaya

PRAMOD KUMAR @ BAITHA @ PRAMOD KUMAR BAITHA Son of
Krishanadev Prasad Resident of Village - Gurua (Koyari Tola), P.S.- Gurua,
District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kuber Pathak, Adv.

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Gurua P.S.
Case No. 261 of 2019 dated 17.12.2019 registered for the offence
under Sections 376/34 of the Indian Penal Code.

The petitioner along with others are said to have
committed rape upon the informant.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that it appears from the F.I.R. itself
that there is no accusation of rape attributed to the petitioner
rather the specific allegation of rape is attributed to the co-
accused, Rajesh Chaudhary @ Vidhayak. He further submits that
the co-accused, Rajesh Chaudhary @ Vidhayak has already been



granted bail by a co-ordinate Bench of this Court vide order dated 07.12.2020 passed in Cr. Misc. No. 24398 of 2020 and the case of this petitioner stands on better footing to that of the co-accused who has been granted bail by this Court. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 07.07.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sherghati, Gaya in connection with Gurua P.S. Case No. 261 of 2019 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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