

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66217 of 2022**

Arising Out of PS. Case No.-268 Year-2020 Thana- LAKHNAUR District- Madhubani

LALAN KUMAR Son of Laddu Lal Mahto @ Loddulal Mahto R/v-
Harbhanga (Makkari Tola), P.S.- Lakhnaur, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar Ojha, Advocate
For the State	:	Mr.Sanjay Kumar Singh, APP
For the Informant	:	Mr. Jitendra Kumar Bharti, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 19-04-2023 Heard Mr. Ajit Kumar Ojha, learned counsel for the petitioner, Mr. Jitendra Kumar Bharti, learned counsel for the informant and Mr. Sanjay Kumar Singh, learned counsel for the State.

The petitioner is an accused in connection with G.R. No. 2042/2020 arising out of Lakhnaur (R.S.-O.P) P.S. Case No. 268 of 2020 under Sections 342, 365, 376 and 506/34 of the Indian Penal Code lodged on 11.11.2020 by the informant, Janki Devi.

As per the FIR, the informant alleged that her villagers kidnapped and raped her for three days in Hotel and



further threatened her to kill, if she discloses the incident. It has been further alleged that when she was going for her natural call, then again the accused-petitioner kidnapped her on gun point and took her to several places including restaurant and house of a lawyer and took signature on blank stamp paper. Thereafter, the victim was later on kept near DAV Public School, Jhanjarpur, in a rented accommodation, where all the accused persons including the petitioner used to rape her one by one. Accordingly, the FIR.

The matter was earlier heard vide Cr. Misc. No. 56096 of 2021 and the same was rejected on 11.04.2022.

Learned counsel for the petitioner by way of supplementary affidavit has brought on record the photograph to show that though the informant was married, he was in a relationship with the lady and they had solemnized marriage. It has further been contended that if released on bail, he will be abide by all the terms and conditions as imposed by this Court.

A report was called for in the matter and as per, it the next date fixed was 06.01.2023 for commitment of the case.

Considering the period of custody i.e. 09.03.2021 (as stated in paragraph-10 of the petition) as also the fact that he do not have criminal antecedent, this Court is inclined to extend



him privilege of bail with conditions.

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 Additional Chief Judicial Magistrate-I, Jhanjharpur in connection with G.R. No. 2042 of 2020 arising out of Lakhnour (R.S-O.P.) P.S. Case No. 268 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 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 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)

Jagdish/Neha/-

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