

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10477 of 2024

Arising Out of PS. Case No.-21 Year-2023 Thana- KARAHGAR District- Rohtas

Golden Rai @ Golden Kumar Rai S/o- Surya Narayan Rai, R/o Village-
Savan Bahar, PS- Karghar, Dist- Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Alka Singh, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 04-10-2024 Heard Ms. Alka Singh, the learned counsel for the
petitioner and Mr. Ram Naresh Ray, the learned Additional
Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
08.12.2023, in connection with Karghar (Badahari O.P.) P.S.
Case No. 21 of 2023, FIR dated 17.01.2023, registered for the
offences punishable under Sections 341, 323, 342, 328 and 354
read with Section 34 of the Indian Penal Code.

3. Earlier the petitioner has moved before this
Hon'ble Court for grant of anticipatory bail in Cr. Misc. No.
27219 of 2023, which was dismissed as withdrawn vide order
dated 10.10.2023.

4. According to the prosecution case, one Yogesh Sah
tricked the informant to come to his house, where he along with
another co-accused person locked her in a room and forcibly



made her drink intoxicated liquor due to which she became unconscious and when she gained consciousness, she found herself at Adai village.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that statement of victim was recorded under Sections 161 and 164 of the Cr.P.C. and bare perusal of both the statements of the victim, it appears that victim has stated one thing in her 161 statement and another thing in her 164 statement, which are contradictory to each other. He further submits that the medical report of the victim does not support the allegation levelled in the FIR and the co-accused person namely, Yogesh Sah @ Yugesh Sah @ Yugesh Kumar Sah has been granted regular bail by a co-ordinate Bench of this Court vide order dated 19.09.2023 passed in Cr. Misc. No. 49336 of 2023. He lastly submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 08.12.2023.

6. Vide order dated 23.08.2024, a report was called for with regard to the stage of the trial and report dated



03.09.2024 of the learned trial Court reveals that out of thirteen chargesheeted witnesses, prosecution has not examined any witnesses at yet.

7. Learned counsel for the petitioner submits that in view of the report of the learned trial Court, there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 08.12.2023.

8. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

9. Considering the aforesaid facts and circumstances, and mainly the facts that petitioner has clean antecedent, the report of the learned trial Court and similarly situated co-accused person has been granted regular bail, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Rohtas in connection with **Karghar (Badahari O.P.) P.S. Case No. 21 of 2023**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the



learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial Court 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 learned trial Court 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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