

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42742 of 2024

Arising Out of PS. Case No.-285 Year-2013 Thana- MADHEPURA District- Madhepura

Shiva Sada Son of Late Bindeshwari Sada R/O Vill.- Sahugardh Bazar Tola,
Ward no.-8, P.S.- Madhepura, Dist.- Madhepura, Pin- 852113, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhakar Nath Rai, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 24-10-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in Madhepura P.S. Case No. 285 of 2013, instituted for the offences punishable under Sections 376 & 511 of the Indian Penal Code.

3. The prosecution case, in short, is that, the petitioner into the house of the informant aged about 15 years and finding her alone, made attempt to commit rape, but due to alarm being raised, he fled away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The present case is misuse of privilege of bail earlier granted to the petitioner. Earlier the petitioner was



granted bail by this Hon'ble Court vide order dated 29.05.2014 in Cr. Misc. No. 17564 of 2014, but due to misuse of bail his bail bond was cancelled. Thereafter, since 17.07.2014, applications for absence are being filed continuously. The bond of the accused was cancelled on 04.05.2017 due to his absence. On 08.02.2018, process under Sections 82 and 83 of the Cr.P.C. was issued against the petitioner. Again, the petitioner was released on bail on 21.08.2018. Again, due to the continuous absence of the petitioner, an order was passed on 07.05.2022 to issue nonailable warrant by breaking the bond, after which process under Sections 82 and 83 of the Cr.P.C. was again issued against the petitioner. On 21.12.2023, a warrant was issued showing the petitioner as absconder and the record was deposited. Thereafter, the petitioner was arrested on 17.02.2024 on the basis of Process under Section 83 of the Cr.P.C. and presented in the Court. Learned counsel for the petitioner further submits that the petitioner undertakes to abide by any conditions imposed by this Court, if released on bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody



undergone by the petitioner as also the undertaking given by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Madhepura P.S. Case No. 285 of 2013, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Rajorshi/-

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