

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47140 of 2014

Arising Out of PS.Case No. -38 Year- 2014 Thana -SONO District- JAMUI

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Biro Manjhi son of Late Rajendra Manjhi resident of village - Balthar, P.S.
Sono, Distt. - Jamui

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh

For the Opposite Party/s : Mr. Nityanand (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 30-04-2015 Having regard to the nature of allegation for offence under Section 376/511 of the Indian Penal Code, this Court, by taking into account that prior to the alleged occurrence, it was the daughter of the petitioner who was allegedly subjected to attempt of rape on her person by Raj Kumar Manjhi along with Pappu Singh, would be inclined to accept the submission of the learned counsel for the petitioner that the present case has been lodged only by way of retaliation.

That being so, if the petitioner, namely, Biro Manjhi surrenders before the court below within a period of four weeks from today, he shall 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 the Chief Judicial Magistrate, Jamui in connection with Sono P.S. Case No. 38 of 2014, subject to the

conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

(i) That both the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iii) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(iv) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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