

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51327 of 2017

Arising Out of PS.Case No. -26 Year- 2017 Thana –MAHILA(ARARIA) P.S. District- ARRARIA

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Mantu Kumar Mandal S/o Fuleshwar Mandal, R/o Village- Parwaha,
Ward No. 01, P.S.- Forbesganj, District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Adv

For the Opposite Party/s : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 09-11-2017 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody since 31.05.2017 in connection with Mahila (Araria) P.S. Case No. 26 of 2017 for the alleged offences under Section 376 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated only in retaliation to an earlier FIR instituted by the petitioner's mother against the family members of the informant. The FIR has been instituted after a delay of two days on 30.05.2017 for the alleged occurrence of 28.05.2017 without any proper explanation. The accusations in the FIR are not corroborated by the Medical report in which no evidence of fresh sexual assault has been found nor any injury on any part of the body of the so-called victim. The petitioner claims clean antecedents.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named 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 Chief Judicial Magistrate, Araria in connection with Mahila (Araria) P.S. Case No. 26 of 2017 on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Chandran/BT

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