

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38699 of 2018

Arising Out of P.S.Case No.12 Year- 2018 Thana -BACHHWARA District- BEGUSARAI

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MANOJ RAI @ MANOJ KUMAR S/o Rajendra Rai, R/o Vill.-
Damuvator, P.S.- Bachhwara, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Kumar, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 25-07-2018 Heard learned counsel for the petitioner as well as
learned APP for the State.

The petitioner is in custody in connection with
Bachhwara P.S.Case No.12 of 2018 registered for an offence
under Section 376 of the IPC.

The allegation as per FIR is that this petitioner dragged
the victim towards wheat field and committed rape. On the alarm
of victim two or three persons reached there and thereafter this
petitioner escaped from the place of occurrence.

It has been submitted that the petitioner and the
informant are resident of same place. The petitioner is auto driver
and on account of dispute in collecting fare, some occurrence had
taken place. The informant out of annoyance has filed this with
false and frivolous allegation. The petitioner is in custody since
27.01.2018 having clean antecedent.



The learned APP opposed the submissions.

On perusal of the case diary, it appears that the victim has asserted that after the occurrence of rape, this petitioner and his family members came at her house and assaulted her husband. In her re-statement, neither the informant nor her husband has stated about assault on the husband of the victim. In her statement under Section 164 of the Cr.P.C. she has not stated as such.

In the facts and circumstances of the case, prayer for bail is allowed. Let the above named petitioner 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 Sub Judge-VII-cum-ACJM, Begusarai in connection with Bachhwara P.S.Case No.12 of 2018 with following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

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