

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78583 of 2018

Arising Out of PS. Case No.-14 Year-2016 Thana- MAHILA P.S. District- Vaishali

Manish Kumar @ Manish Kumar Singh, S/o Satyendra Prasad Singh, R/o
village Pyarepur, P.S. Baligaon, District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rina Sinha, Advocate

For the Opposite Party/s : Smt. Madhuri Lata (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 09-01-2019 Heard learned counsel for petitioner, learned counsel

for the opposite party no.2, as well as learned counsel for the

State.

Petitioner, who is in custody, seeks bail in
connection with Hajipur Mahila P.S. Case No. 14 of 2016
registered for the offences punishable under Section 376 of the
Indian Penal Code.

Informant has alleged that while she was sleeping
in her room and her in-laws were sleeping in the courtyard
petitioner entered his room and established physical relation
with her.

It has been submitted on behalf of the petitioner
that he is innocent and has been falsely implicated in this case
and there is no allegation of petitioner forcibly establishing
physical relation with informant or committed any act against
her will and consent. She has supported the allegation of FIR in



her statement made under Section 164 Cr.P.C. of committing rape and also snatching golden chain and her other jewelries.

The informant opposite party no. 2 has appeared and has stated that she has no objection of petitioner being released on bail as the matter has been compromised between the parties although the offence is not compoundable.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Vaishalil at Hajipur, in connection with Hajipur Mahila P.S. Case No. 14 of 2016, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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