

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27119 of 2021**

Arising Out of PS. Case No.-221 Year-2020 Thana- SHAMBHUGANJ District- Banka

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MUKESH KUMAR Son of Ramanand Singh Resident of Village- Mohanpur,
P.S.- Shambhuganj, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sinha, Adv.

For the Opposite Party/s : Mr. A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 22-11-2021 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Shambhuganj P.S. Case No. 221 of 2020 for the offence under

Sections 341, 323, 376, 420, 506/34 of the Indian Penal

Code.

The petitioner along with others said to have

forcibly taken the informant to unknown place and

established physical relation.

Learned counsel appearing for the petitioner

submits that the petitioner, who is of clean antecedent, is

innocent and has not committed any offence. Although there

is allegation of commission of rape against the petitioner in



the F.I.R. but the medical report does not corroborate with the allegation made in the F.I.R. as, according to the doctor, no sign of rape or any physical assault has been found on the person of the victim, which is clearly evident from the medical report at Annexure-2. Taking note of the finding made in the medical report, no case under Section 376 of the Indian Penal Code is made out against the petitioner. The petitioner, who is of no fault, is rotting in judicial custody since 04.12.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Banka in connection with Shambhuganj P.S. Case No. 221 of 2020 with the following conditions:

(1) 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 the Court and on his/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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