

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 26349 of 2020

Arising Out of PS Case No.-38 Year-2019 Thana- MAHILA PS District- Siwan

1. Ramesh Manjhi, aged about 26 years (Male) Son of Ram Prasad Mahto.
2. Raja Kumar, aged about 21 years (Male) Son of Chathu Lal Mahto.
3. Rahul Kumar, aged about 22 years (Male) Son of Bigan Prasad Mahto.
All the three residents of Village- Preman Tola, PS- Maharajganj, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anant Kumar Bhaskar, Advocate
For the State	:	Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 24-02-2021

Heard Mr. Anant Kumar Bhaskar, learned counsel for the petitioners and Mr. Md. Arif, learned In-charge Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioners are in custody in connection with Mahila PS Case No. 38 of 2019 dated 19.06.2019, instituted under Sections 341/323/354B and 376D of the Indian Penal Code.

3. This is the 2nd attempt for bail by the petitioners as earlier such prayer was rejected by order dated 08.01.2020 in Cr. Misc. No. 83110 of 2019.



4. As per the FIR, the allegation is that the daughter of the informant was taken away in an orchard, assaulted and also raped.

5. Learned counsel for the petitioners submitted that the allegation is totally false as the girl belonged to the same village and further that there is no medical report on record to show that such offence was committed and that is why upon submission of charge-sheet, charge has been framed under Sections 341/323/354/34 of the Indian Penal Code. Learned counsel drew the attention of the Court to the statement of the victim girl (PW 1) before the Court during trial in which she has stated that she had actually meant to state that she was harassed and teased and wrongly it was stated that she was raped. Learned counsel submitted that the petitioners have no criminal antecedent and are in custody since 18.07.2019.

6. Learned APP submitted that the allegation is of having committed rape. However, the statement of the victim herself that she has alleged only harassment and teasing could not be controverted.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs.



25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Siwan in Mahila PS Case No. 38 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall co-operate with the Court/police/prosecution. Any violation of the terms and conditions of the bonds or failure to cooperate shall lead to cancellation of their bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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