

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36099 of 2020

Arising Out of PS. Case No.-18 Year-2020 Thana- TERHAGACHH District- Kishanganj

Shiva Manjhi, Son of Sant Lal Manjhi, Resident of Gamharia, P.S. -
Terhagachh, District- Kishanganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-02-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Terhagachh P.S. Case No.18 of 2020 for the offence punishable
under Sections 341, 323, 504, 366, 376/34 of the Indian Penal
Code.

The allegation against the petitioner is that he was
infatuated by the informant and has forcibly taken her away and
thereafter subjected to rape.

Counsel for the petitioner referring to the F.I.R.
submits that the prosecution case itself is that the informant was
a married lady. The prosecution is false as it has been instituted
on 17.03.2020, though the informant herself has stated that she
was abducted on 10.02.2020 and thereafter returned on



12.02.2020. Further investigation has revealed that efforts was also made to resolve the issue by taking some money and that since the petitioner refused to give the money, the information was lodged. The petitioner also is stated to be a man of clean antecedents.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, 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 the learned S.D.J.M., Kishanganj, in connection with Terhagachh P.S. Case No.18 of 2020, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates,



his bail bond will be liable to be cancelled.

This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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