

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.415 of 2022**

Arising Out of PS. Case No.-57 Year-2021 Thana- MAHILA P.S. District- Kaimur (Bhabua)

MANTU BIND SON OF GHURA BIND RESIDENT OF VILLAGE-  
MATHA CHAK , P.S. KUDRA , DISTRICT KAIMUR AT BHABUA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 4486 of 2022**

Arising Out of PS. Case No.-57 Year-2021 Thana- MAHILA P.S. District- Kaimur (Bhabua)

1. SATYENDRA BIND SON OF SHIVMURAT BIND R/O VILLAGE-  
MATHACHAK, P.S.- KUDRA, DISTRICT- KAIMUR AT BHABUA
2. SRIKANT BIND SON OF SHIVMURAT BIND R/O VILLAGE-  
MATHACHAK, P.S.- KUDRA, DISTRICT- KAIMUR AT BHABUA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 5112 of 2022**

Arising Out of PS. Case No.-57 Year-2021 Thana- MAHILA P.S. District- Kaimur (Bhabua)

BALISTER BIND @ BALLISTER BIND Son of Ghurbigan Bind R/o  
Village Mathachak, P.S. Kudra, District Kaimur at Bhabhua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 415 of 2022)

For the Petitioner/s : Mr.Tribhuwan Narayan

For the Opposite Party/s : Mr.Shantanu Kumar

(In CRIMINAL MISCELLANEOUS No. 4486 of 2022)

For the Petitioner/s : Mr.Rajani Kant Pandey

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

(In CRIMINAL MISCELLANEOUS No. 5112 of 2022)

For the Petitioner/s : Mr.Tribhuwan Narayan

For the Opposite Party/s : Mr.Binod Kumar

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**



ORAL ORDER

3 24-08-2022

**IN CR. MISC. NO. 415 OF 2022**

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Mahila (Bhabua) P.S. Case No.57 of 2021 registered for the offence under Sections 376(D), 420, 323 and 341 of the Indian Penal Code and Section 66(E) & 67 (A) (B) of the Informant Technology Act, 2000.

The accused/petitioner is named in the F.I.R. and is in custody since 29.09.2021.

The allegation against the petitioner is to commit rape along with co-accused persons upon informant/victim.

Learned counsel appearing on behalf of the petitioner submitted that FIR was lodged after two days of inordinate delay without having explanation, for the purpose of false implication, in the background of local disputes and differences. It is further submitted that specific allegation to commit gang rape is against Balister Bind @ Ballister Bind and allegation against this petitioner is limited only to assault the victim. It is also submitted that the video, which was seized, during course



of investigation, as alleged to record the occurrence of gang rape by this petitioner was not sent for forensic science laboratory. It is also submitted that medical report not showing any type of injury found upon the victim, which may suggest allegation of gang rape. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, fairly conceded the fact that the allegation of rape is against the co-accused persons, as per statement recorded under Section 164 of the Cr.P.C.

Considering the facts and circumstances as mentioned above, as allegation against this petitioner is limited only to abuse and assault and not of rape, as per statement recorded under Section 164 of the Cr.P.C., where, petitioner is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Mahila (Bhabua) P.S. Case No.57 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned S.D.J.M., Kaimur at Bhabua/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

**IN CR. MISC. NO. 4486 OF 2022**

Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Mahila (Bhabua) P.S. Case No.57 of 2021 registered for the offence under Sections 376(D), 420, 323, 341 and 34 of the Indian Penal Code and Section 66(E) & 67 (A) (B) of the Informant Technology Act, 2000.

The accused/petitioners are named in the F.I.R. and are in custody since 29.09.2021.

The allegation against the petitioners is to commit rape along with co-accused persons upon informant/victim.

Learned counsel appearing on behalf of the petitioners submitted that FIR was lodged after two days of inordinate delay without having explanation, for the purpose of false implication, in the background of local disputes and differences. It is further submitted that specific allegation to commit gang



rape is against Balister Bind @ Ballister Bind and allegation against these petitioners is limited only to assault the victim. It is also submitted that the video, which was seized, during course of investigation, as alleged to record the occurrence of gang rape by this petitioner was not sent for forensic science laboratory. It is also submitted that medical report not showing any type of injury found upon the victim, which may suggest allegation of gang rape. It is also submitted that petitioners are man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, fairly conceded the fact that the allegation of rape is against the co-accused persons, as per statement recorded under Section 164 of the Cr.P.C.

Considering the facts and circumstances as mentioned above, as allegation against these petitioners is limited only to abuse and assault and not of rape, as per statement recorded under Section 164 of the Cr.P.C., where, petitioners are man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let both the petitioners, above named,



are directed to be released on bail in connection with Mahila (Bhabua) P.S. Case No.57 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. I/c., Kaimur at Bhabua/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

**IN CR. MISC. NO. 5112 OF 2022**

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Mahila (Bhabua) P.S. Case No.57 of 2021 registered for the offence under Sections 376(D), 420, 323 and 341 of the Indian Penal Code and Section 66(E) & 67 (A) (B) of the Informant Technology Act, 2000.

The accused/petitioner is named in the F.I.R. and is in custody since 29.09.2021.

The allegation against the petitioner is to commit rape along with co-accused persons upon informant/victim.

Learned counsel appearing on behalf of the petitioner submitted that FIR was lodged after two days of inordinate



delay without having explanation, for the purpose of false implication in the background of local disputes and differences. It is also submitted that medical report not showing any type of injury found upon the victim, which may suggest allegation of gang rape. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, submitted that the victim specifically supported the allegation of rape against this petitioner through her statement recorded under Section 164 of the C.P.C. It is also submitted that rape is not a medical finding, it is a legal one.

In view of the submissions, as made above, as there is specific allegation against this petitioner to commit rape upon the victim along with other co-accused persons, as supported by the victim, through her statement recorded under Section 164 of the Cr.P.C., this Court is not inclined to grant bail to the petitioner, at present.

Accordingly, the prayer of bail of the petitioner is rejected herewith.



Trial Court is directed to proceed with the matter, by taking it on board, on daily basis, so as trial may conclude within 09 (nine) months from the date of receipt of a copy of this order.

Superintendent of Police, Madhubani is directed to produced the charge-sheeted witnesses, as and when directed by the Trial Court, for expeditious disposal of trial, within specified time, as directed above.

**(Chandra Shekhar Jha, J)**

S.Katyayan/-

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