

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24509 of 2021

Arising Out of PS. Case No.-45 Year-2019 Thana- MAHILA PS District- Aurangabad

BIJENDRA MAHTO Son of Devraj Mahto Resident of Village - Chandi,
P.S.- Haspura, Distt.- Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Kumar,Adv

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-01-2022 Heard learned counsel for the petitioners and the
learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Mahila
P.S.Case No. 45 of 2019 registered for the offence under
Sections 376,506/34 of the Indian Penal Code.

The prosecution case, in short, is that Sarda Devi, the
informant, she stated that her husband is in Goa for livelihood
for five years. It is alleged that the informant's Devar namely
Sudhir Kumar and her cousin father-in-law namely Brijendra
Mahto (petitioner) made forcible physical relation with the
informant for three years and one year respectively by
threatening her to kill and her child.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent. He has falsely been



implicated in the present case. He further submits that the present FIR has been instituted only to make pressure on the petitioner. Learned counsel for the petitioner submits that during investigation witnesses have been examined including father-in-law of the informant and other co-villagers and they all in their representation categorically stated that the case is absolutely false and fabricated. Petitioner is in custody since 19.09.2020.

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

Considering the aforesaid fact and period of custody, 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 learned Chief Judicial Magistrate, Aurangabad in connection with Mahila Police Station Case No.45 of 2019 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 cancelled 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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