

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17211 of 2022**

Arising Out of PS. Case No.-691 Year-2020 Thana- GOPALGANJ TOWN District-
Gopalganj

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JAMADAR PRASAD Son of Late Jagabir Prasad Resident of Village -
Khairatiya, P.s.- Gopalganj, Distt.- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra, Adv.

For the Opposite Party/s : Mr. Ram Naresh Ray, APP.

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

2 14-07-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Gopalganj
Town P.S. Case No. 691 of 2020 for the offence under Sections
323, 354, 376 and 511 of the Indian Penal Code.

The petitioner, who is said to be the brother-in-law of
the informant, is said to have established forceful physical
relation with the informant and on protest being made by her,
she has been subjected to assault and torture as a result of which,
she sustained injuries.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the petitioner happens to be brother-in-law of the victim-



informant and on account of some internal family dispute, he has been made accused in this case. He further submits that it appears from the FIR that the petitioner is tried to commit rape upon the victim and on the protest made by her, she has been assaulted by the petitioner. He, however, further submits that it is apparent from the F.I.R. itself that the petitioner has only tried to establish physical relation with the informant but no occurrence as alleged in the F.I.R has taken place. Therefore, no case under Section 376 of the Indian Penal Code is made out against the petitioner. He further submits that the parties have arrived at a compromise and settled their dispute between them which is evident from Annexure-3 to the petition. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 03.02.2022.

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. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Gopalganj Town P.S. Case No. 691 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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