

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36193 of 2021**

Arising Out of PS. Case No.-2 Year-2020 Thana- AMNAUR District- Saran
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Mukesh Kumar Rai S/O Vishwanath Ahir @ Vishwanath Rai Resident of
Village Pakaridih, P.S. Amnour, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Jitendra Kr. Singh, Sr. Advocate Mr. Harsh Singh, Advocate
For the Informant :	Mr. Vindhyachal Singh, Sr. Advocate
For the State :	Mr. Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 19-04-2022 Heard Mr. Jitendra Kr. Singh, learned Senior counsel
appearing on behalf of the petitioner and Mr. Vindhyachal Singh, Sr.
Advocate for the informant as well as learned APP for the State.

Let the defects, as pointed out by the office, be removed
within four weeks of starting of Court proceeding in physical mode in
normal course.

Petitioner seeks bail in a case registered for the offences
punishable under Sections 323, 363, 365, 120(B), 504, 506/34 of the
Indian Penal Code.

As per prosecution case, in brief, it is alleged by the
informant that on 05.01.2020 at 3:00 A.M. my daughter Sandhya
Kumari went outside the house to attend the call of nature but did not
return. On search, a mobile phone was found under the bed of the



informant's daughter belonging to co-villager Akhilesh Rai and Akhirai's wife. It is further alleged by the informant that the aforesaid accused persons in connivance with other people under a conspiracy have kidnapped her daughter Sandhya Kumari and have hidden her at some unknown place and can kill her.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. Further submits that it appears from the F.I.R. that the petitioner is not named in the F.I.R. and the petitioner has no concern with co-accused namely Akhilesh Rai. He further submits that the victim girl was recovered and her statement was recorded under Section 164 Cr. P.C. on 08.01.2020 after more than 24 hours of her recovery. It appears from the statement of the victim girl that she has made a concocted and believable story. He further submits that none of the witnesses including the father of the victim i.e. informant have supported the allegation. He further submits that the medical examination of the victim completely relies the prosecution story as the age of the victim girl has been assessed to be 18 to 19 years. He further submits that co-accused namely Akhilesh Rai who was named in the F.I.R. and his mobile phone was recovered from the bed of the victim was declared juvenile vide order dated 18.04.2020 and the Akhilesh Rai was enlarged on bail vide order dated 29.04.2020 passed in Juvenile Enquiry No. 23 of 2020 by the Juvenile Justice Board, Chapra and police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 06.01.2021.

On the other hand, learned counsel for the informant Mr.



Vindhyachal Singh and learned APP for the State vehemently opposed the prayer for bail of the petitioner and submits that it appears from the F.I.R. as well as statement of the victim girl recorded under Section 164 Cr. P.C. that the petitioner and other accused persons have tried to commit rape upon the victim. Further submits that the petitioner carries three more cases other than the present one.

Considering the facts and circumstances of the case and the period of custody already suffered since 06.01.2021, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Amnour P.S. Case No. 02 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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