

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27410 of 2022

Arising Out of PS. Case No.-170 Year-2020 Thana- BARGAINIA District- Sitamarhi

Manish Kumar @ Durga Mahto S/o Dhanpat Mahto Resident of Village -
Sinduriya, Ward No.-01, P.S. Bairganiya, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 14-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bairganiya P.S. Case No. 170 of 2020 lodged under Sections
376/504 of the I.P.C.

The prosecution case is that the informant has made
allegation of rape against the petitioner. In the said F.I.R., at
many places, the identity of accused has been shown as the
brother of *Ward Parishad*, Dasai Mahto in addition to his name.
The allegation is of dated 31.08.2020, F.I.R. lodged on
14.09.2020 in which story of rape was said to be continued
since last 5 years.

Learned counsel for the petitioner submits that it is a complete false case. Petitioner is innocent and has committed no offence. He further submits that the entire cause of dispute is Annexure-3 series by which the brother of the petitioner whose name has been taken many times in the F.I.R. has filed a complaint before the Chairman Bihar State Religious Trust Board against one Depankar Choudhary who has grabbed the land of temple and committed theft with the statute of Ramjanki. In this regard, an inquiry was also set up, with a view to save the skin, the present F.I.R. has been lodged by the wife of Sri Ram Choudhary who is brother of Depankar Choudhary against whom the present complaint has been filed vide Annexure-3 series. Learned counsel further submits that the date of occurrence has shown is 31.08.2020 and 5 years later but F.I.R. has been filed on 14.09.2020. He further submits that in the present case, no medical has been done during the investigation. He submits that petitioner is in custody since 29.01.2022, charge sheet has already been filed in this case. On the point of his criminal antecedent, learned counsel submits that there are 2 criminal cases pending against the present petitioner but both cases are not of 376 rather one is of 307 and another is of SC/ST Act and in both the cases, he is on bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that the allegation of rape is stated in the F.I.R. as well as supported in the statement under Section 164 of Cr.P.C.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sitamarhi in connection with Bairganiya P.S. Case No. 170 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal

activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

Sadique/-
Prakash/-

U		T	
---	--	---	--