

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30719 of 2022

Arising Out of PS. Case No.-48 Year-2021 Thana- MAHILA PS District- Jamui

Shyam Manjhi @ Chhillu Manjhi Son of Chhatradhari Manjhi Resident of
Village - Pursanda, P.s.- Sikandra , Distt.- Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Mahila P.S. Case No. 48 of 2021 registered for the offences
under Sections 323, 341, 376 of the Indian Penal Code.

As per allegation, this petitioner knocked at the door
of informant's house in the night and when the door was opened
by the informant, the petitioner forcefully entered into the
informant's house and took her forcefully to the bedroom and
committed rape and on hearing screams of the informant her
relatives arrived and then the petitioner fled away.



The main submissions advanced by learned counsel Mr. Prabhat Ranjan Singh for the petitioner are that the petitioner has got clean antecedent and in actual an incident of scuffling and quarrel took place between the children of both the parties and in that incident the children of the petitioner who belong to Scheduled Caste, were assaulted and humiliated by the prosecution party and owing to that incident the prosecution party was having a fear that a case under SC/ST Act might be lodged against the family members of the informant and thereafter with an intention to create a defence the present case was falsely fabricated and lodged. Further submission is that as per the FIR the alleged occurrence took place on 08th October, 2021 but the FIR was lodged on 19.10.2021 there is no explanation regarding the said inordinate delay and the medical examination report of the victim also does not support the allegation made in the FIR.

Learned APP Mr. Zainul Abedi appearing for the State has opposed the bail prayer.

In view of the above submissions and mainly taking into account the inordinate delay having taken place in lodging of the FIR while the informant had sufficient opportunity to lodge the first information report just after the alleged incident



of rape and moreover the medical examination report of the victim does not support the allegation of rape, and also considering the stage of the petitioner's case, in the opinion of this Court a lenient approach can be taken in respect of petitioner's prayer, let the 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 concerned Court in Connection with Mahila P.S. Case No. 48 of 2021.

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below 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 witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said



criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J.)

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