

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31447 of 2022

Arising Out of PS. Case No.-8 Year-2021 Thana- MAHILA P.S. District- Vaishali

Manjit Kumar Son of Ashok Singh Resident of Village-Chechar, P.S.-Bidupur,
District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 15-09-2022 The learned counsel appearing for petitioner submits that the petitioner wishes to file supplementary affidavit with regard to show his preparation and appearance in the competitive examination being conducted by the Railway Recruitment Board.

The petitioner is permitted to file the above-mentioned supplementary affidavit and the same be kept on record.

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 Hajipur P.S. Case No.08 of 2021 registered for the offences punishable under Sections 341, 323, 354(B), 376, 511 and 34 of the Indian Penal Code.

As per the allegation, the informant was going to the market and on her way to the market at a secluded place finding her alone three accused persons started misbehaving with her by tearing her clothes and on objection she was beaten up. It is further alleged that on several occasions whenever she went to the market they misbehaved with the victim and threatened her of being raped by them and on 06.03.2021 the above said accused persons tried to commit rape with her but couldn't succeed in accomplishing their ill will.

The main submissions advanced by the learned counsel Mr. Ashok Kumar Mishra for the petitioner are that the petitioner has clean antecedent and has been languishing in jail since 30.03.2022 and he is a student and is preparing for competitive examinations and in this regard he has filed supplementary affidavit to show his appearance in the examination conducted by Railway Recruitment Board. Further submission is that one co-accused namely Raja Kumar @ Raj Kumar carrying similar nature of allegation has been granted bail by the Court below on the ground of compromise made by



the victim with him and as per the FIR the informant remained mum for about two months in lodging the FIR.

Learned APP Mr. Ajit Kumar appearing for the State has opposed the bail prayer.

In view of above submissions and considering the petitioner's clean antecedent and his academic career and also the fact that one co-accused carrying similar nature of allegation is on bail granted by the Court below and against the petitioner the investigation has been completed, in the opinion of this Court a lenient approach can be taken in respect of the 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 the concerned Court in connection with Mahila Hajipur P.S. Case No.08 of 2021, on 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 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 strict action against him for cancellation of his bail bond.

(Shailendra Singh, J.)

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