

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31336 of 2022

Arising Out of PS. Case No.-11 Year-2022 Thana- BHAIKAVSHTHAN District- Madhubani

Shankar Mukhiya S/o Asharfi Mukhiya R/o Village - Suklarahi, P.S.- Bhairab
Asthan , Dist.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Advocate

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 12-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioner seeks bail in connection with Bhairab
Asthan P.S. Case No. 11 of 2022 registered for the offence under
Sections 341, 323, 363, 366, 420, 504, 376/34 of the IPC.

The accused/petitioner is named in the F.I.R. and is in
custody since 21.03.2022.

The allegation against the petitioner is to commit rape
upon informant after kidnapping her, alongwith other co-accused
persons, where after kidnapping victim was taken up to Delhi and
kept there for long six months.

Learned counsel appearing on behalf of the petitioner
submitted that the specific allegation, as regard to rape is available
against co-accused, namely, Mantun Kumar and as, this petitioner



was one of the friends of co-accused, namely, Mantun Kumar, was falsely implicated in present case for no reason. It is further pointed out that medical examination of victim also not suggesting that rape was committed upon her. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as specific allegation of rape is available against co-accused, namely, Mantun Kumar, where petitioner is in custody since 21.03.2022, coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bhairab Asthan P.S. Case No. 11 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Jhanjharpur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

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

