

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34352 of 2022**

Arising Out of PS. Case No.-123 Year-2021 Thana- PUPRI District- Sitamarhi

Munna Kumar @ Munna Mandal Son Of Laxmi Mandal R/O Village- Bhitha,
P.S.- Pupri, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Kumar, Advocate.
For the Opposite Party/s	:	Mr. Ajay Kumar Jha, APP.
For the Informant	:	Mr. Mahindra Thakur, Advocate.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Uday Kumar, learned counsel for the petitioner, Mr. Mahindra Thakur, learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the



bar in connection with Pupri P. S. Case No. 123 of 2021 registered for the offences punishable under Sections 341, 323, 376 (D), 435, 504, 506 read with 34 of the Indian Penal Code and Section 4 of the of the Protection of Children from Sexual Offences Act and Section 37 (b) (c) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the petitioner and co-accused Ram Janki Kumar came to the shop of the informant in a drunken state and abused and assaulted the informant as well as her daughter by means of iron rod. It is also alleged that ten days prior to the alleged occurrence, both the accused persons including the petitioner forcefully taken away the daughter of the informant and committed rape upon her, however, due to social stigma no information was given to any authorities. It is further alleged that in course of interrogation, the petitioner has also been found to be intoxicated.

Learned counsel appearing on behalf of the petitioner submitted that as per the F.I.R., the alleged commission of rape took place ten days prior to the present occurrence but neither any complaint nor any F.I.R. has been lodged by the informant and moreover, the so called victim has neither been examined by the police nor medically examined by



a doctor. It is next submitted that there was some dispute with regard to the money transaction and when the pressure was made for returning the money, this F.I.R. has been instituted by making false allegation. It is also submitted that co-accused Ram Janki Kumar, having identical allegation has also been granted bail by learned co-ordinate Bench of this Court in Cr. Misc. No. 40741 of 2021 vide order dated 23.11.2021. It is last submitted that the petitioner is in custody since 24.04.2022.

On the other hand, learned counsel for the informant vehemently opposes the bail application and submits that the daughter of the informant is minor and her statement was recorded under Section 164 of the Cr.P.C. wherein she has supported the prosecution case and categorically stated that she was subjected to rape at the hands of the petitioner and co-accused person and not only that bare videos have been made in order to blackmail her, she also alleged that she was repeatedly raped by the petitioner and other accused person for continuously ten days and further demand was also made.

Learned APP for the State also opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that another



accused person, having identical allegation has already been granted bail by learned co-ordinate Bench of this court and there is delay in lodging of the F.I.R, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 6th cum Special Judge (POCSO), Sitamarhi in connection with Pupri P. S. Case No. 123 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will ensure his attendance at local police station on every first week of the month till conclusion of the trial.
- (ii) The petitioner will cooperate in conclusion of the trial.
- (iii) He will remain present on each and every date of trial till disposal of the case.
- (iv) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (v) In the event of default of two consecutive dates without any cogent reason, his bail bonds will



liable to be cancelled.

It is expected that learned trial court will take all necessary measures to expedite and conclude the trial as early as possible.

(Harish Kumar, J)

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