

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36517 of 2022

Arising Out of PS. Case No.-101 Year-2021 Thana- MAHILA PS District- Darbhanga

Prajjawal Kumar Mishra @ Udit Mishra Son of Subhash Mishra Resident of
village - Sirhaulli Bishambhar Pur, P.S.- Kamtaul, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 18-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Mahila (Sadar) P.S. Case No. 101 of 2021 lodged under
Sections 376, 313, 354(C), 506 of the I.P.C. read with Section
67, 67(A) of the I.T. Act.

As per the prosecution case, the allegation of
commission of rape and same was continued with the victim on
the ground that the photo of rape shall become viral and there
was continuous threat from the side of the accused that he will
create barrier in her marriage.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. He further submits that the alleged date of occurrence is 26.11.2020 but F.I.R. has been lodged on 02.10.2021 that is near about after 11 months. Learned counsel further submits that the victim is an adult. Learned counsel further submits that from the entire case diary as per his knowledge, no ingredients of I.T. Act has been available.

He submits that petitioner is a man of clean antecedent and is in custody since 02.10.2021.

Learned counsel for the State opposes the prayer for bail but upon specific query that is there any material available by which allegation of making the photograph of the victim viral is available on record or not. Learned counsel for the State submits that no such material is available in the entire case diary available on record.

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 1st Additional Sessions Judge, Darbhanga in connection with Mahila P.S. Case No. 101 of 2021, 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.)

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