

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37596 of 2022

Arising Out of PS. Case No.-342 Year-2019 Thana- GHOSI District- Jehanabad

MAHESH RAM @ MAHESH PRASAD Son of Late Rameshwar Das @
Rameshwar Ram Resident of village - Modanganj, P.S.- Ghoshi, District -
Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 354(B), 376 and 323 of the Indian Penal Code.

The informant alleges that on 24.08.2019 at 5:00 PM, she had gone to the market for purchasing some articles, when she was intercepted by the petitioner who took her near bank of Falgu river and raped her and fled away.

Learned counsel for the petitioner submits that petitioner has antecedent of two cases and has been falsely implicated in the present case, it is next submitted that police after threadbare investigation submitted Final Form in favour of



the petitioner, it is further submitted that the learned Magistrate differing with the police report took cognizance. Learned counsel next submits that it absolutely does not stand to reason that as to why the learned Sessions Judge failed to appreciate this fact that one investigating agency had already submitted Final Form in favour of the petitioner and as such no material transpired during the course of investigation to connect the petitioner with the offence, it is next submitted that this perhaps explained that the learned District Court is rejecting bail application in mechanical manner, it is also submitted no doubt case required a fair trial but then how the period of incarceration of the petitioner shall be compensated in the event of the acquittal if the petitioner is convicted he will serve the sentence, the learned counsel further submits that when one investigating agency after threadbare investigation has found the petitioner to be innocent and based on the same material the learned trial Court has differed and taken cognizance, the cognizance appears to be mechanical as during the course of investigation no material had transpired which could even remotely connect the petitioner with the offence or else Final Form would not have been submitted in his favour.

Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Ghosi (Okari) P.S. Case No. 342 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

GauravSinha/-

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

