

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47314 of 2021

Arising Out of PS. Case No.-218 Year-2021 Thana- MUFFASIL District- West Champaran

RAJU KUMAR @ RAJU KUMAR MAHTO Son of Jay Narayan Mahto
Resident of Village - Purvi Kargahiya, P.S.- Bettiah Mufassil, Distt.- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Adv

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 24-03-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in a case registered for the

offences punishable under Sections 323,498A,376,504,506,34

of the Indian Penal Code.

Petitioner is the Dewar of the informant. Allegation

against the petitioner is that he forcibly established physical

relationship with the informant and he did the same several

times. Later on when the informant denied to establish physical

relationship with her Dewar, the informant's husband and her



Dewar assaulted her and ousted her from matrimonial home. Presently the informant is residing with her parents alongwith her baby aged about 07 months. Whenever the informant tries to come to her matrimonial home, the accused persons used to assault and to drive her away. On 22.03.2021 at 7.00 P.M., when the informant went to her matrimonial home, her Dewar and husband dragged her by catching her hair and drove her away.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. In fact the petitioner is brother-in-law of the victim girl. He further submits that before lodging of the present FIR, the informant has lodged another case i.e. Bettiah Muffasil P.S. Case No.139 of 2021 under Sections 498A and 34 of IPC against the petitioner and other family members in which she has not alleged the allegation of sexual assault. The informant has been medically examined and the Doctor did not find any sign of sexual assault. He further submits that the police, after investigation, submitted chargesheet against the petitioner and and disbelieved the allegation of sexual assault and submitted chargesheet under Sections 323, 498(A), 504,506, 34 of IPC but the learned court below has taken cognizance under Sections 323,498(A),376,504,506,34 of IPC and the petitioner is in



custody since 23.03.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, 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 learned Court below where the case is pending in connection with Bettiah Muffasil Police Station Case No.218 of 2021, with 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 and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

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

