

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54185 of 2021

Arising Out of PS. Case No.-320 Year-2020 Thana- BALIYA District- Begusarai

JIWAN KUMAR @ KARE S/O SHIVLAL TANTI Resident of Chhoti Ballia,
Moulanchak, Ward No. 10, P.S.- Ballia, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-04-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 376, 447, 451, 354(A), 354(B),
509 and 339 of the Indian Penal Code.

The petitioner is alleged to have committed rape
upon the informant.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that the petitioner was having love affairs
with the victim lady. He further submits that during course
of investigation several witnesses were examined under



Section 161 Cr.P.C. who have stated that a panchayati was held with regard to the alleged occurrence in which the victim has admitted to marry with the petitioner. But subsequently, the victim entered into a compromise with the petitioner on 26.07.2021. He further submits that the trial of the case is not likely to be concluded in near future as the report received from court below reveals that the charges have been framed against the petitioner and the trial of the case is still pending for the prosecution evidence. Hence, the petitioner may be enlarged on bail.

On the other hand, learned A.P.P. for the State on the basis of material on record and the case diary has vehemently opposed the prayer for bail of the petitioner and submits that the victim in her statement under Section 164 Cr.P.C. has supported the allegation as alleged in the F.I.R.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Balia P.S. Case No. 320 of 2010 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 canceled 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)

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