

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53228 of 2021

Arising Out of PS. Case No.-149 Year-2021 Thana- MANJHI District- Saran

CHANDAN KUMAR PRASAD S/o LATE SHREE RAM ORASAD R/o
VILLAGE-BHAJOUNA, P.S-MANJHI, DISTRICT-SARAN AT CHAPRA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kumari, Adv.

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-01-2022 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 the learned A.P.P. for the State.

The petitioner seeks bail in connection with Manjhi P.S. Case No. 149 of 2021 registered for the offence under Sections 341, 323, 376, 511 and 379 of the Indian Penal Code.

The petitioner is alleged to have tried to commit rape upon the informant and on being protested he on the point of gun taken away her ornaments along with a cash of Rs. 10,000 from the house of 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. In fact, the alleged occurrence took place on 16.05.2021 whereas the instant F.I.R. has been lodged on 19.05.2021 after lapse of almost three days without any plausible explanation about the delay. No occurrence as alleged in the F.I.R has ever taken place. Moreover, neither any statement under Section 164 Cr.P.C. of the victim has been recorded supporting the prosecution version nor the victim has been medically examined in this case. Therefore, no case under Section 376 of the Indian Penal Code is made out against the petitioner. Nothing incriminating has been recovered from the possession of the petitioner. The petitioner is rotting in custody since 02.06.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

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 A.C.J.M.-13, Saran at Chapra in connection with Manjhi P.S. Case No. 149 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 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)

braj/-

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

