

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62854 of 2021

Arising Out of PS. Case No.-114 Year-2021 Thana- DAGARUA District- Purnia

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Amit Kumar Mahaldar Son of Ram Mahaldar Resident of Village - Harahi,
Ward No. -3, P.S. - Dagarua, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-04-2022 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 376, 306, 341, 504 of the Indian Penal Code and the police after investigation submitted chargesheet against the petitioner under Sections 498 and 306 of the Indian Penal Code..

As per prosecution case, in brief, it is alleged by the informant Rakesh Kumar Mandal that on 03.05.2021 at 2:00 A.M. he returned home after attending the wedding ceremony of ward member's son and called his wife to open the door but it



was not opened then the informant opened the door by pushing and saw the accused petitioner has committing rape with his wife Punam Devi forcibly. On calling nearby people came and caught the accused petitioner. It is further alleged that due to committing rape, the informant's wife has committed suicide by hanging

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that the allegation as per F.I.R. is false and fabricated. He further submits that during investigation no independent witness has come forward to support the case of the prosecution. Further submits that police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 03.07.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

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/- (Rupees 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



Dagarua P.S. Case No. 114 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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