

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67216 of 2021**

Arising Out of PS. Case No.-192 Year-2021 Thana- CHOUTARWA District- West
Champaran

=====

MANOJ RAM S/o Phulchand Ram Resident of Village- Patilar, P.S.-
Chautarwa, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Md. Ataur Rahman, APP

=====

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

4 27-07-2022

Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Chautarwa P.S. Case No. 192 of 2021 registered for the offence
under Sections 313, 315, 323, 341, 376 and 34 of the Indian
Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.08.2021.

The allegation against the petitioner is to commit rape
upon informant and also to cause miscarriage. It has further



been alleged to cheat Rs. 4,00,000/- arranged by the father of the informant for the purpose of marriage.

Learned counsel appearing on behalf of the petitioner submitted that the face of the FIR is not suggesting that rape was committed upon informant/victim. It has further been submitted the statement of informant/victim recorded under Section 164 of Cr.P.C., also suggest allegation of miscarriage against the family members of the petitioner. It has further been submitted that nothing surfaced out of said statement of victim that rape was committed upon her, rather face of the FIR along with statement of victim as recorded under Section 164 of the Cr.P.C., only suggest on its best score that the informant having friendly relations with petitioner. It has also been submitted that charge-sheet has been submitted only under Sections 376 and 420 of the I.P.C., as allegation of miscarriage not found true which in itself suggest that entire allegation against the petitioner is false and ill motivated. While concluding the argument, it is submitted that charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that the face of the FIR is only suggesting that informant/victim was in friendly relations with petitioner.



Considering the facts and circumstances as mentioned above, as occurrence of rape cannot be gathered from the statement of victim recorded under Section 164 of Cr.P.C. coupled with the fact that allegation of miscarriage is not against the petitioner, let the petitioner, above named, is directed to be released on bail in connection with Chautarwa P.S. Case No. 192 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M-1st, Bagaha, West Champaran/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall



*be Nandlal Ram, who is the deponent of the
present bail petition.”*

(Chandra Shekhar Jha, J)

R.S.Sen/-

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

