

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4735 of 2023

Arising Out of PS. Case No.-138 Year-2022 Thana- BALTHAR District- West Champaran

MANAN MIYAN Son of Rajak Miya Resident of Village - Aryanagar, P.S.-
Balthar, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Bharti Rai, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 26-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 12.11.2022, in connection with Balthar P.S. Case No. 138 of 2022, F.I.R. dated 12.11.2022 registered for the offences punishable under Section 376 of the Indian Penal Code and Sections 4/6 of the Prevention of Children from Sexual Offences Act.

3. Allegation against the petitioner is that he committed rape upon the victim.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. She further submits that as per allegation in the F.I.R. that the petitioner has committed rape



upon the victim on 12.11.2022 and the medical report of the victim was conducted on same day i.e. on 12.11.2022 but no sign of rape for any sexual assault was found on the person of victim. She further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 12.11.2022.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that the petitioner has committed rape upon her but fairly submits that the medical report does not support the allegation as alleged in the F.I.R. as well as statement of the victim recorded under Section 164 of the Cr. P.C.

6. Considering the aforesaid 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 7th Additional District & Sessions Judge-cum-Special Judge (POCSO), Bettiah, West Champaran in connection with Balthar P.S. Case No. 138 of 2022, subject to 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 antecedents, 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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