

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15209 of 2023

Arising Out of PS. Case No.-23 Year-2022 Thana- MAHILA P.S. District- Bhojpur

1. BITTU KUMAR Son of Raj Kumar @ Raj Kumar Rai Resident of Village- Bhadwar, P.S.- Chandi, District- Bhojpur
2. MANTOSH KUMAR Son of Surendra Ray Resident of Village- Bhadwar, P.S.- Chandi, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Nath Sinha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-07-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Mahila P.S. Case No. 23 of 2022 registered for the offence under Sections 363, 120(B) and 376(D) of the Indian Penal Code and Sections 4 and 6 of the POSCO Act.

The victim is subjected to physical assault and she has been raped by the petitioners and others.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioners have not committed any offence. He further



submits that though accusation of commission of rape is attributed to the petitioners, but the allegation does not get corroboration from the medical evidence even when the victim has been examined on the same date and the doctor has not found any sign of sexual assault upon the victim nor any injury was found on the person of the victim. Therefore, no case under Section 376(D) of the Indian Penal Code is made out against the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 02.04.2022.

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) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VI, Bhojpur, Ara in connection with Mahila P.S. Case No. 23 of 2022 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

brajesh/-

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

