

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18452 of 2023

Arising Out of PS. Case No.-1016 Year-2021 Thana- MANER District- Patna

Mohan Rai @ Mohan Kumar S/O Late Kuldip Rai Resident Of Village-Suar-marwa, P.S.-Maner, District-Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoranjan Kumar, Advocate

For the Opposite Party/s: Mr. Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 12-06-2023 Heard Mr. Manoranjan Kumar, learned counsel
appearing on behalf of the petitioner and Mr. Shyameshwar
Dayal, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Maner P.S. Case No. 1016 of 2021 registered for the offence punishable under Sections 341, 323, 435, 354, 379, 504, 506, 427 and 34 of the Indian Penal Code.

3. Prosecution story, in brief, is that the petitioner along with other co-accused persons named in the F.I.R. had pulled the informant from the vehicle and had tried to outrage her modesty and had also attempted to set the vehicle on fire.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is suffering from HIV positive and at the time of alleged incidence, the petitioner was



bed ridden due to dislocation of right femur and it cannot be imagine that petitioner has participated in such illegal incidence. He further submitted that petitioner has been named in the FIR because the petitioner's family did not supported the informant in mukhiya election. Petitioner has clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail. He submitted that from the impugned order it appears that the petitioner has criminal antecedent and as such he must not be released on pre-arrest bail.

6. Considering the rival submissions made by the parties as well as the allegation made in the F.I.R. and also considering the specific statement made in the bail application that petitioner was bed ridden due to dislocation of femur at the time of alleged incidence and he was not present at the alleged place of occurrence. The allegation of molestation is specific against Mr. Bhagwan Rai and other co-accused. I am of the opinion that petitioner has *prima facie* made out a case to be released on bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from



today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned J.M - 1st Class, Danapur (Patna) in connection with Maner P.S. Case No. 1016 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

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