

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19607 of 2023**

Arising Out of PS. Case No.-81 Year-2022 Thana- BEERPUR District- Begusarai

MANOJ KUNWAR @ MANOJ KUMAR Son of Ganga Prasad Kunwar
Resident of village-Birpur, P.S.-Birpur, District-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Dashrath Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 05-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 28.09.2022 in connection with Birpur P.S. Case No. 81 of 2022, F.I.R. dated 25.06.2022 registered for the offence punishable under Sections 341,342,323,363,376,34 of IPC and Section 27 of the Arms Act.

Allegation against the petitioner is that he committed rape upon the informant.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that earlier the informant has also filed FIR bearing Birpur P.S.Case No.67 of 2022 against the petitioner and the informant has prepared a false and fabricated



injury report from the Apex Hospital, Begusarai and during course of investigation it was found that the injury report is false and fabricated so the police has filed the case bearing Birpur P.S.Case No.124 of 2022 against the Apex Hospital, Begusarai and its employees. Further submits that when the informant came to know about filing of the Birpur P.S.Case No.124 of 2022 he again filed the present false and fabricated case against the petitioner and it appears from the FIR that the date of occurrence as alleged in the FIR is 09.06.2022 but the present FIR has been instituted on 25.06.2022 without giving any explanation of delay. Further submits that the injury report of the victim in the present case does not support the allegation as alleged in the FIR and the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 28.09.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Begusarai in



connection with Birpur P.S. Case No. 81 of 2022, 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, 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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