

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21247 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- MAHILA PS District- East Champaran

Aman Singh Son Of Pappu Singh Resident of Village- Mani Chhapra, P.S. -
Chakia, Distt. - East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rishikesh Ojha, Advocate
For the Opposite Party/s	:	Mr. Kalyan Shankar, APP
For the Informant	:	Mr. Yogesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-07-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
02.02.2023 in connection with Mahila P.S. Case No. 05 of 2023,
F.I.R. dated 15.01.2023 for the offences punishable under
Sections 354(D), 354©, 376, 420, 397, 509, 504, 506/34 of the
Indian Penal Code.

According to prosecution case, this petitioner
established physical relationship with the niece of the informant



and took obscene photographs of her and also threatened her of dire consequences if she disclosed the matter to the police.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. In fact, the petitioner was in relationship with the victim and the statement of the victim was recorded under Section 164 of the Cr.P.C. in which she accepted the friendship with the petitioner and the consensual relationship with the petitioner. He further submits that both the parties have intend to compromise and they filed a compromise petition dated 10.03.2023 before the learned Trial Court and on the basis of the compromise, this petitioner has moved before this Hon'ble High Court for quashing the present F.I.R in Cr. Misc. No. 24127 of 2023 the Hon'ble High Court after hearing the party have been pleased to stayed the further proceeding vide order dated 24.04.2023. The petitioner is in custody since 02.02.2023.

The learned counsel appearing on behalf of the informant has supported the contention of the learned counsel for the petitioner and submits that they have filed the



compromise petition before the learned Trial Court.

Considering the aforesaid facts and circumstances, 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 the learned Sub-Divisional Magistrate, Sadar, Motihari in connection with Mahila P.S. Case No. 05 of 2023, 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 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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