

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22373 of 2023

Arising Out of PS. Case No.-148 Year-2022 Thana- BAKHTIYARPUR District- Patna

Vivek Rai Son of Late Ram Nath Rai Resident of Village - Tekka Bigha, P.S.-
Bakhteyarpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 03.04.2022, in connection with Sessions Trial No. 881 of 2022 arising out of Bakhtiyarpur P.S. Case No. 148 of 2022, F.I.R. dated 02.04.2022 registered for the offences punishable under Sections 341, 323, 354, 376, 511 and 506 of the Indian Penal Code.

The prosecution case, in brief, is that the informant went to ease from the southern side of her house but on the way the accused petitioner stopped her and started utilizing force upon her. It is further alleged that she forbade him from doing so then the petitioner gave threatening to kill her and tore her cloth due to which she became naked then the petitioner tried



to commit rape upon her and on raising hulla the accused petitioner fled away.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely 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 offence as alleged in the F.I.R. He further submits that the petitioner tried to commit rape upon the informant but there is no independent witness to support the allegation as alleged in the F.I.R. and no case is made out under Section 376 of the Indian Penal Code against the petitioner. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 03.04.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

Considering the 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



Additional District & Sessions Judge-I, Patna in connection with Sessions Trial No. 881 of 2022 arising out of Bakhtiyarpur P.S. Case No. 148 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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