

Arising Out of PS. Case No.-92 Year-2021 Thana- MAHILA PS District- Buxar

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... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :Mr. R.S.Sahay, Advocate
: Mr.Rakesh Kumar Mishra,Advocate
For the Opposite Party/s :Mr.Sanjay Kumar Tiwary,APP
For the Informant : Mr. Anand Kumar Ojha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-07-2023 Heard learned counsel appearing for the petitioner,
learned counsel for the informant and the learned A.P.P. for
the State.

2. The petitioner seeks bail, who is in custody since 03.02.2023 in connection with Buxar (Mahila) P.S. Case No. 92 of 2021, F.I.R. dated 03.12.2021 registered for the offence punishable under Section 376 and 120(B) of IPC.

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

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits



that from bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 12.11.2021 but the present FIR has been instituted on 08.12.2021 after delay of about 26 days without giving any explanation of delay. Further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and the allegation as alleged in the FIR is not being supported by the medical evidence and the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 03.02.2023.

5. Learned counsel for the informant and learned APP for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that the sufficient material has come during investigation to support the prosecution version.

6. 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 S.D.J.M., Buxar in connection with Buxar (Mahila) P.S. Case No. 92 of 2021, with the following conditions:-

(I) 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.

(II) 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.

(III) 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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