

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29573 of 2023

Arising Out of PS. Case No.-67 Year-2022 Thana- MAHILA PS District- East Champaran

Manjeet Mishra Son Of Umesh Mishra Resident Of Village- Mishrgram, Ps-
Sangrampur, Distt- East Champaran Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore@ Kundan Kumar, Advocate
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 07.12.2022 in connection with Mahila P.S. Case No. 67 of 2022, F.I.R. dated 04.12.2022 for the offences punishable under Sections 341, 323, 342, 376(DA)/34 of the Indian Penal Code along with Section 4 and 6 of the POCSO Act.

3. According to prosecution case, the petitioner is alleged to have committed rape upon the daughter of the informant.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegations as alleged in the F.I.R., are false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and due to previous election dispute, the petitioner has implicated in the present case. He further submits that from bare perusal of the



F.I.R., it appears that the date of occurrence as alleged in the F.I.R., is 01.12.2022 but the present F.I.R. was instituted on 04.12.2022 after delay of about three days. He further submits that the victim was recovered and her statement was recorded under Section 164 of the Cr.P.C., in which she neither disclosed the name of the petitioner nor about the rape committed upon her. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 07.12.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the date of birth of the victim is 15.01.2006 and the date of occurrence is 01.12.2022 but the medical of the victim was conducted on 05.12.2022. He further submits that no rape sign was found. Apart from aforesaid, the petitioner carry one criminal antecedent other than the present one but fairly submits that the petitioner is on bail in this case.

6. 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 Court of VIth Additional Sessions Judge – cum- Special Judge, POCSO,



Motihari, East Champaran, in connection with Mahila P.S. Case No. 67 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his 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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