

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38518 of 2023

Arising Out of PS. Case No.-162 Year-2021 Thana- SANGRAMPUR District- East
Champaran

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BHAGWAN MISHRA S/O LATE SUBHASH MISHRA @ SUBHASH
CHANDRA MISHRA R/O Vill. Mishra Gram, PS. Sangrampur, Dist. East
Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 02-08-2023

1. Heard learned counsel for the parties.

2.The petitioner has renewed his prayer for bail in
connection with Sangrampur P.S. Case no. 162 of 2021
registered under sections 366A and 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner is said to
have taken away the minor daughter of the informant for the
purpose of marriage. Subsequently, in course of investigation
the alleged victim is said to have supported the allegation of
rape against this petitioner.

4. The earlier application for bail of the petitioner was
rejected vide order dated 9.1.2023 (Annexure-1) passed in Cr.
Misc. no.16459 of 2022.

5. Learned counsel for the petitioner submits that the



alleged victim is a major and no such occurrence as alleged in the FIR has taken place. It is for this reason that the FIR was registered after an unexplained delay of 34 days. The petitioner is in custody since 22.9.2021 and charge has been framed in the trial Court on 15.5.2023. The petitioner undertakes to cooperate in the trial.

6. The prayer for bail is opposed by learned A.P.P. for the State.

7. A report was called for from the learned trial Court. As per the report received contained in letter no. 543 dated 24.7.2023 from the 1st Additional District and Sessions Judge-cum-Special Judge, East Champaran, Motihari, the case is pending for prosecution evidence. No witness from amongst the chargesheet witness has been examined and summons have been issued for their appearance.

8. Having heard learned counsel for the parties and taking into consideration the allegation in the FIR, the submissions made on behalf of the petitioner, the petitioner having remained in custody since 22.9.2021 together with charge having been framed on 15.5.2023 and summons having been issued for appearance of the chargesheet witnesses on behalf of the prosecution, the Court directs the petitioner to be



enlarged on bail in connection with S.Tr. no. 658 of 2022 (arising out of Sangrampur P.S. Case no. 162 of 2021) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, East Champaran, Motihari.

(Partha Sarthy, J)

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