

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53973 of 2023

Arising Out of PS. Case No.-69 Year-2023 Thana- RAJEPUR District- East Champaran

Manish Kumar S/O Amaranath Bhagat Resident Of Village- Madhuawa Brit,
P.S- Rajepur, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mrs. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 13.06.2023 in connection with Rajepur P.S. Case No. 69 of 2023, F.I.R. dated 05.04.2023 for the offences punishable under Sections 354B, 370, 371, 372/34 of the Indian Penal Code.

3. According to prosecution case, the accused persons have forcibly kept one girl, namely, Sonam Tamang who disclosed that they forced her to dance on stage.

4. 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 petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis



of the suspicion and on the ground that the petitioner is one of the musician in the musical group. He further submits that both the victims were recovered and their statement were recorded under Section 164 of the Cr.P.C. in which they have not stated anything about the petitioner and even they have not named the petitioner in their 161 statement. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Rajeev Kumar @ Raju and Rahul Kumar have been granted bail by the Court below in B.P. No. 834 of 2023 vide order dated 09.05.2023. The petitioner is in custody since 13.06.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

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 Sub Divisional Judicial Magistrate, Sadar, East Champaran at Motihari in connection with Rajepur P.S. Case No. 69 of 2023, 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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