

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54759 of 2023

Arising Out of PS. Case No.-188 Year-2022 Thana- PARIHAR District- Sitamarhi

Jay Prakash Mandal@ Jai Prakash Mandal Son Of Binod Mandal Resident Of
Village- Barahi, Ward No. 8, Ps- Parihar, Distt- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Parihar P.S. Case No.188 of 2022 instituted under Section s 376, 511 and 504/34 of the IPC lodged on 20.07.2022 by the informant Preeti Devi.

As per the prosecution story, the allegation is that the accused entered her room and tried to commit rape on the point of knife stating that he wants to perform marriage with her. She any how succeeded in escaping, raised alarm whereafter the petitioner fled away. The story was narrated to family members and then panchayati was held but the accused-petitioner put her photographs on Facebook, left with no alternative, the FIR.

Learned counsel for the petitioner submits that the informant's husband and petitioner were good friends and during COVID period he had given money and when now he



was demanding the same, implication. It is submission that no rape has been committed and he has already suffered by being in custody since 24.06.2023 (para-10 of the petition).

Learned APP opposes the prayer for bail.

Taking into account the submissions put forward by the learned counsel for the petitioner, he is in custody since 24.06.2023 and the money transaction led to alleged implication, considering the fact that he do not have criminal antecedent, will be facing the trial, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Parihar P.S. Case No.188 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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