

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55919 of 2022

Arising Out of PS. Case No.-160 Year-2022 Thana- DURGAWATI District- Kaimur (Bhabua)

Mangal Pandey, S/o Late Amar Nath Pandey, R/O Village- Kalyanpur, P.S.-
Durgawati, Distt.- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 16-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Heard Mr. Dr. Kamal Deo Sharma, learned counsel
appearing on behalf of the petitioner and the learned APP for the
State.

The petitioner seeks regular bail, who is in custody in
connection with Durgawati P.S. Case No. 160 of 2022 registered
for the offences punishable under Section 376 / 34 of the Indian
Penal Code.

As per the prosecution case, it is alleged that on
10.06.2022 at about 01:30 PM, the informant went to the
residence of Asha worker for taking some medicine. It is alleged
that when she entered into her residence, the petitioner along



with one 'Mastun Thakur' started misbehaving and this petitioner committed wrongful act upon her.

Learned counsel appearing on behalf of the petitioner submits that from the FIR it is evident that the alleged occurrence took place on 10.06.2022 at about 01:30 PM, however, the present FIR has been registered on 11.06.2022 at about 17:35 hours and, as such, the delay of 24 hours has not been explained. He further submits that the victim was also examined by the doctor and no external and internal injury has been found and it has been opined that rape cannot be ascertained. He next submits that in fact there was a money dispute between the parties, which resulting into filing of this case and later on when the dispute has been settled, the informant has filed an application that she doesn't want to pursue the matter. He next submits that the petitioner is a man of fair antecedent and in custody since 12.06.2022 and now the charge-sheet has been submitted and he is ready to abide by any terms and conditions as has been imposed by this Court.

On the other hand, learned APP for the State vehemently opposes the bail application and drawn the attention of this Court to the statement of the informant recorded under Section 164 of the Cr.P.C., wherein, she supported the



prosecution case and stated that this petitioner has committed immoral illicit work.

Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR and the statement of the victim recorded under Section 164 of the Cr.P.C, wherein, she failed to make specific allegation as also the fact that the investigation of the crime is complete and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Durgawati P.S. Case No. 160 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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