

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57717 of 2023

Arising Out of PS. Case No.-37 Year-2023 Thana- MAHILA PS District- Gaya

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PRAKASH MANJHI @ KARU MANJHI @ PRAKASH KUMAR SON OF
LATE DASU MANJHI RESIDENT OF VILLAGE - MASTIPUR, P.S. -
BODHGAYA, DISTRICT - GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-09-2023 Heard the parties.

The petitioner is in judicial custody in connection with Gaya Mahila P.S. Case No. 37 of 2023 for the offence punishable under Sections 376, 420, 504, 506 of the Indian Penal Code and section 67/67(B) of IT Act, 2000 lodged on 11.5.2023 by the informant, Ranju Devi.

As per the prosecution story, the allegation by the informant is that the accused-petitioner was forcing himself upon her since last three years/committing rape, video was made and subsequently, the same was made viral, forcing her to lodge a FIR.

It is the case of the petitioner that he is married person, the informant is his own sister-in-law, she herself is



married had no occasion to do with the alleged act, as she has narrated, have been falsely implicated and is in custody since 12.5.2023 (para-11 of the petition). Even going by her allegation, it is clear there was relationship for last three years. So far as the second part regarding making the video viral is concerned, there is no such video/photo on the record and/or presented by the prosecution to support the said allegation and he is ready to abide by all the terms and conditions.

Learned APP opposes the prayer for bail.

Considering submission put forward by the learned counsel for the petitioner as also the State and taking into account the fact that there is no such photograph/video that the prosecution has got hold of the informant alleged to have been made viral in the village, is in custody since 12.5.2023 and do not have criminal antecedent, will be diligently appearing in the trial, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned S.D.J.M., Gaya, in connection with Gaya Mahila P.S. Case No. 37 of 2023 subject to the 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 his 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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