

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60259 of 2022**

Arising Out of PS. Case No.-28 Year-2022 Thana- MAHILA PS District- Jamui

Nand Kishore Tanti Son of Late Faudari Tanti R/o Village- Indpay, P.S.-
Jamui, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Advocate.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Prabhat Ranjan Singh, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Jamui Mahila P.S. Case No. 28 of 2022,
registered for the offences punishable under Section 376 of the
Indian Penal Code.

The prosecution case is based on a written report filed
by the informant alleging therein that on 09.06.2022 at about 4
O'clock, when she went to graze her goat, the petitioner forcibly
caught her and committed rape. It is further alleged that



thereafter she came back to her house and narrated the entire incident to her mother and thereupon all the family members along with the informant went to the house of the accused but the accused and his family members were fled away from their house.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it is evident that the occurrence took place on 09.06.2022 in the evening and on the same day the informant and all the family members went to the house of the petitioner but the petitioner and his family members were found missing, but surprisingly, the FIR has been instituted on 12.06.2022 after a delay of three days but no explanation whatsoever has been given. He further submits that the victim/informant has never produced herself before the doctor for her medical examination. Apart from the fact, that the petitioner is a man of 60 years and prior to the alleged occurrence, there was some dispute with regard to the lending of money by the petitioner to the father of the informant. He next submits that the petitioner is ready to give undertaking that he will fully cooperate in the investigation and the trial. He lastly submits that the petitioner is a man of fair antecedent, is in custody since 13.06.2022 and the charge-sheet has already been



submitted.

On the other hand learned APP for the State vehemently opposes the bail application and submits that specific allegation of commission of rape has been leveled against the petitioner.

Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR and absence of any medical report suggesting the commission of crime upon the informant, 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 Sub-Divisional Judicial Magistrate, Jamui, in connection with Jamui Mahila P.S. Case No. 28 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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