

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68105 of 2022

Arising Out of PS. Case No.-1015 Year-2018 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

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PRADEEP MISHRA @ PRADEEP KUMAR MISHRA S/O Sri Vijay Kant
Mishra R/O Village- Mauwahi, P.S- Babubarhi, District- Madhubani at
present Mohalla Kadirabad Neem Pokhar, P.S University, District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Munni Mishra W/O Late Kaushal Mishra, D/O Birmo Choudhary R/O
Village- Mauwahi, P.S- Babubarhi, District- Madhubani at present Mohalla
Kadirabad Neem Pokhar, P.S- L.N Mithia University, Darbhanga

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh, Adv.
For the Opposite Party/s : Mr.Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 06-04-2023 Heard learned counsel for the petitioner and

learned counsel for the informant as well as learned A.P.P. for

the State.

The petitioner seeks bail in connection with

Complaint Case No. 1015 of 2018 dated 06.08.2018

registered for the offence under Section 354 of the Indian

Penal Code.

The petitioner is alleged to have committed rape

upon the informant.

Learned counsel appearing for the petitioner

submits that the petitioner, who is of clean antecedent, is



innocent and has falsely been implicated in this case. She further submits that no occurrence as alleged in the F.I.R. took place and the allegation as alleged in the F.I.R. is false and fabricated. She further submits that the learned court below after examining the materials available on record took cognizance against the petitioner under Section 354 of the Indian Penal Code finding that no case under Section 376 of the Indian Penal Code is made out against the petitioner. The petitioner is rotting in judicial custody since 29.09.2022.

Learned counsel for the informant as well as learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that the victim in her statement recorded under Section 164 Cr.P.C. has categorically stated that the petitioner has committed rape upon her.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Sub-Divisional Judicial Magistrate, Darbhanga in connection with Complaint Case No. 1015 of 2018 with the following conditions:-



(1) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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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