

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71069 of 2022

Arising Out of PS. Case No.-155 Year-2021 Thana- NATHNAGAR District- Bhagalpur

Raju Kumar @ Raju Kumar Mandal, S/o Pramod Mandal, Resident of
Village- Madhopur, P.S.- Nathnagar, District- Bhagalpur.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-03-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Nathnagar P.S. Case No. 155 of 2021 registered for the offence
under Sections 341, 323, 354(B), 448, 376, 504, 506, 34 of the
Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 06.05.2022.

The allegation against the petitioner is to made an
attempt to commit rape upon the informant alongwith other co-
accused persons and when alarm was raised, assault was also
caused to husband and others by petitioner including other co-



accused persons. It is further alleged that rape was committed upon informant by this petitioner prior to two years of this occurrence but same was not reported, out of fear, as petitioner is noted criminal of the locality.

Learned counsel appearing on behalf of the petitioner submitted that a case was lodged by mother of the petitioner accusing husband of the informant/victim just one day before this occurrence, which has been registered as Nathnagar P.S. Case No. 154/2021 dated 06.03.2021 and to counter the same, the present false case was lodged, implicating petitioner and his family members. It is also submitted that just to aggravate the allegation, unreported occurrence of rape prior to two years of this occurrence was raised through present FIR, having without any occasion. It is submitted specifically that for the said occurrence of the rape, no FIR was lodged. It is also pointed out that co-accused, namely, Gyandev Kumar @ Gyan Kumar has already been granted bail by one of the learned co-ordinate Bench of this Court vide order dated 15.06.2022 passed in Cr. Misc. No. 67657 of 2021. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of



tampering with the evidence.

Learned APP, while opposing the prayer of bail submitted that allegation of rape is available against this petitioner.

Considering the facts and circumstances as mentioned above, as no FIR was lodged for the occurrence of rape as alleged through present FIR which committed prior to two years of the present occurrence, where maximum allegation is of attempt in background of just instituted FIR one day earlier to this occurrence by the mother of petitioner suggesting enemies between the parties, where petitioner is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in connection with Nathnagar P.S. Case No. 155 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M.-1st Class, Bhagalpur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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