

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72423 of 2022**

Arising Out of PS. Case No.-68 Year-2022 Thana- KANHHAULI District- Sitamarhi

MANISH KUMAR S/o Kishori Mahto R/v- Basahiya, P.S.- Kanhauli,
District- Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

- 4 28-07-2023 1. Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.
2. Petitioner seeks bail, who is in custody since 02.08.2022 in connection with Kanhauli P.S. Case No.68/2022, dated 25.04.2022, for the offences punishable under Sections 341, 323, 376, 504/34 of the IPC.
3. According to prosecution case, the petitioner is alleged to have committed rape upon the informant on the false pretext of marriage.
4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the



petitioner has not committed any offence as alleged in the F.I.R. He further submits that the statement of the victim girl was recorded under section 164 Cr.P.C., in which, she has not stated anything about the sexual assault against the petitioner and before filing of the present F.I.R., the petitioner has filed informatory petition bearing No.174/2022 on 07.03.2022 against the informant and her other family members. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 02.08.2022.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 J.M.1st Class, Sitamarhi in connection with Kanhauli P.S. Case No.68/2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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