

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5071 of 2023**

Arising Out of PS. Case No.-120 Year-2021 Thana- BARHARIA District- Siwan

CHUNNU KUMAR S/o Vijay Mahto @ Vijayee Mahto R/v- Parshurampur,  
Purvi Tola, P.S.- Manjhagarh, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vijay Bardhan Pandey, Adv.

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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

5      21-04-2023                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

A supplementary affidavit, carrying out necessary  
correction in the main application, has been filed on behalf  
of the petitioner, which forms part of this application.

The petitioner seeks bail in connection with  
Barharia P.S. Case No. 120 of 2021 dated 09.05.2021  
registered for the offence under Sections 376, 324 and 302  
of the Indian Penal Code.

The petitioner is alleged to have committed rape  
upon the daughter of the informant and killed her by cutting  
her neck with a sharp cutting weapon.

Learned counsel appearing for the petitioner



submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is no eye witness to the alleged occurrence and merely on the basis of suspicion, the petitioner has been made accused in this case. He further submits that it is alleged that the petitioner has confessed his guilt before the police but the confession before the police has got no evidentiary value in the eye of law. Save and except suspicion, no cogent material has surfaced against the petitioner during course of investigation to suggest the involvement of the petitioner in the alleged occurrence. He further submits that the medical evident does not support the allegation of commission of rape upon the victim. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 10.05.2021.

A report with regard to present stage of the trial has been called for by this Court vide order dated 07.04.2023 which has been received and forms part of this application at Flag-X. On perusal thereof, it would reveal that charge has been framed against the petitioner but the prosecution has not examined any witnesses as of now.



Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 10.05.2021. i.e more than one and half year.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

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 Additional Sessions Judge-1st, Siwan in Sessions Trial No. 283 of 2021 connection with Barharia P.S. Case No. 120 of 2021 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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