

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1893 of 2023

Arising Out of PS. Case No.-104 Year-2022 Thana- MAHILA P.S. District- Patna

MUNNA KUMAR Son of Awadh Sahani Resident of Dariyapur, Khargaj
Jitwarpur, P.S.- Muffasil, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ram Shankar Das, Advocate
	:	Mr.Ranjit Kumar Yadav, Advocate
For the Opposite Party/s	:	Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 26-06-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
21.09.2022 in connection with Mahila P.S. Case No. 104 of
2022, F.I.R. dated 20.08.2022 registered for the offence
punishable under Sections 376,383,354,506 of IPC and
Sections 67,67A,66E of IT Act.

The prosecution case, in short, is that the
complainant alleged that one day complainant was called
upon by the accused petitioner to his house on the pretext of
marriage, the petitioner forcefully against her will and consent
is alleged to have made sexual intercourse with her and video
graphed it covertly. Further alleged that the petitioner



uploaded the picture of the informant in the Facebook, Instagram and other social media.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and the victim has refused for her medical examination. Learned counsel for the petitioner submits that the victim has supported her case before the statement and thereafter the police has submitted the chargesheet against the petitioner and the petitioner is in custody since 21.09.2022.

Learned counsel for the informant and learned APP for the State, on other hand, on the basis of the material available on the record and the case diary, have vehemently opposed the prayer for bail of the petitioner and submits that it is true that the victim has refused for her medical examination but the Video of the victim was scientifically examined and the report suggests that the allegation as alleged in the FIR against the petitioner is true and the petitioner has uploaded the picture of the informant in the Facebook, Instagram and other Social Media.



Vide order dated 19.05.2023, a report was called for with regard to the present status of the trial. Report of the learned Trial Court dated 25.05.2023 reveals that the charge has been framed against the petitioner under Sections 376,384,354,506 of IPC and 66E,67A of I.T.Act on 01.05.2023 and report further reveals that there are only four chargesheet witnesses including the I.O.

Considering the aforesaid facts, charge has been framed against the petitioner, the victim has refused for her medical examination and the petitioner is in custody since 21.09.2022, 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 Judicial Magistrate-1st Class, Patna in connection with Mahila P.S. Case No. 104 of 2022,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 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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