

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5871 of 2024

Arising Out of PS. Case No.-1344 Year-2022 Thana- FORBESGANJ District- Araria

Rakesh Kumar S/O Durganand Mandal Village- Khamkol Ward No. 01, Ps.-
Forbesganj, Dist. Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Rana, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Forbesganj P.S. Case No.1344 of 2022, lodged on 21.12.2022,
under Sections 376/323/506 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against
three named accused persons including the present petitioner
with allegation that the petitioner has committed rape and other
offences against the informant under the Indian Penal Code.

4. Learned counsel for the petitioner submits that the
present case has been lodged at the instance of misguidance of
the unknown enemy of the petitioner. Counsel for the petitioner
and informant jointly submits that presently the informant and



petitioner are living together as husband and wife and were leading a peaceful happy life prior to custody. The informant has no objection in case of granting bail to the petitioner. The petitioner is in custody since 26.11.2023 having no criminal antecedent. Counsel submits that charge sheet has already been filed in this case against the petitioner.

5. Learned counsel for the State submits that as per the version of the informant the marriage has been solemnized between petitioner and informant.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Forbesganj P.S. Case No.1344 of 2022, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) The petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) The petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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