

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10983 of 2024

Arising Out of PS. Case No.-771 Year-2023 Thana- LAKHISARAI District- Lakhisarai

Mithun Mandal @ Mithun Mahto S/o Maho Mahto @ Mahendra Mahto @
Maho Mandal Village Govind Bigha, P.O.- Damodarpur, P.S Lakhisarai Distt
Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priya Rai D/o. Late Sujit Kumar, R/o. Jainagar, Lali Pahari, Ward No.33,
P.S. Kabaiya, Distt. Lakhisarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmanand Pd. Nr. Sahi, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 18-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Lakhisarai (Kabaiya) P.S. Case No.771 of 2023, lodged on
05.10.2023, under Sections 448/323/406/354A/342/ 376 /511 /
328/504/506/34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against
three named accused persons including the present petitioner.
The allegation against the petitioner is that he has attempted to
commit rape with the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel



submits that from the content of the FIR it is crystal clear that a land dispute was going on between the informant and the petitioner and only due to this reason this case has been lodged with a view to create trouble. Counsel for the petitioner submits that subsequently by the influence of the well wisher a petition was filed by the informant before the Court of Additional Sessions Judge-II, which is Annexure-2. The petitioner is in custody since 10.11.2023 having no criminal antecedent. Learned counsel for the informant appeared in this case.

5. Learned counsel for the State opposes the prayer for bail. Counsel for the informant submits that settlement has taken place and she is not interested to pursue this case.

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, Lakhisarai, in connection with Lakhisarai (Kabaiya) P.S. Case No.771 of 2023, 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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