

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37830 of 2024

Arising Out of PS. Case No.-33 Year-2022 Thana- MAHILA P.S. District- Madhubani

Shyam Mandal @ Shayam Narayan Mandal @ Tulli S/O Bharat Mandal R/O
Village- Rajegram, P.S- Pandaul, Distt.- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Jha, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-06-2024 Heard Mr.Gopal Jha, learned counsel for the
petitioner and Mr.Uday Pratap Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Mahila P.S. Case No.33 of 2022, FIR dated 21.10.2022 registered for the offences punishable under Sections 376,323,341,504,506,342,34 of IPC, Sections 4 and 6 of POCSO Act and Section 3(i)(r)(s)(w) and 3(2)(v)of SC and ST Act.

3. Allegation against the petitioner is that he alongwith other co-accused Lal Yadav and Brahamdeo Yadav abducted the informant and took her to a lonely place and committed rape with her. Further allegation is that when her



brother-in-law Mithu Ram came searching her, petitioner restrained him and assaulted him and locked him in the dancer room.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. 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 police, after investigation, submitted final form in favour of the petitioner but the learned court below has taken cognizance against the petitioner and from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 05.10.2022 but the present FIR has been instituted on 21.10.2022.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent and the police has filed the final form in favour of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Addl. Sessions Judge-VI-cum-Special Judge, POCSO (Madhubani) in connection with Mahila P.S. Case No.33 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) 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 bonds shall be cancelled by the Court below.

(II) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) 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/her criminal antecedents, 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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