

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41588 of 2024

Arising Out of PS. Case No.-24 Year-2023 Thana- MADHUBAN District- East Champaran

Manoj Mahto S/o late Vilash Mahto @ Bilas Mahto R/o Village Madhuban
Dih/ Gulwara, P.S.-Madhuban, district- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore, Adv.

For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 28-10-2024 Heard the parties.

2. The petitioner is in custody in connection with Madhuban P.S. Case No. 24 of 2023 for the offence punishable under sections 376 of the Indian Penal Code lodged on 14.01.2023 by the informant, Sumila Devi.

3. As per the prosecution story, the informant alleged that on 25.12.2021, when had gone to attend the nature's call, was raped by the petitioner. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that for an incident that took place on 25.12.2021, ultimately, the FIR came to be lodged on 14.01.2023 which clearly show the falsity of the case. Further, both the parties are cousin and as such, it is hard to believe the allegation that has come, he is in custody since 27.03.2024 (para 10 of the petition) and do not have



criminal antecedent, charge-sheet submitted and if granted bail, shall be diligently appearing in trial.

5. In this case, informant has also appeared and he chose not to oppose the bail application.

6. Taking into account the aforesaid facts as also that there is inordinate delay in lodging of the FIR, he do not have criminal antecedent and has already remained in custody for almost seven months, an undertaking has been given that he will be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Court of JM 1st Class/concerned Court, Motihari, East Champaran in connection with Madhuban P.S. Case No. 24 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

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

(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 his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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