

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62663 of 2024

Arising Out of PS. Case No.-248 Year-2023 Thana- JOKIHAT District- Araria

Prakash Bishwas @ Prakash Kumar @ Prakash Kumar Bishwas, son of
Ramlal Bishwas, Resident of- Kalkali, Ward No. 13, Gram Panchayat-Chirah,
P.S.- Mahalgaon, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Thakur, Advocate

For the Opposite Party/s : Mr. M.K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-11-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Jokihat (Mahalgaon) P.S.
Case No. 248 of 2023 registered for the offences punishable
under Sections 364, 354, 120(B) of the Indian Penal Code.

3. Based upon the complaint case the FIR has been
instituted with an allegation that the marriage of the daughter of
the informant was solemnized with one Indal Bishwas. After
some time of the marriage, the husband of the daughter of the
informant went to Punjab for earning, in the mean time, the
petitioner forcefully tried to make physical relationship with the



informant's daughter. On complaint, Panchayati was held, however the petitioner avoided the Panchayati by not attending. It is also alleged that this petitioner anyhow obtained some indecent photographs and made it viral and just after the occurrence, all the accused persons kidnapped and disappeared the victim.

4. Learned Advocate appearing on behalf of the petitioner contended that the FIR is based upon a complaint with regard to an occurrence which took place on 04/05.03.2023, however, the complaint has been instituted on 16.03.2023. During the course of investigation, the victim was recovered and her statement has been recorded under Section 164 of the Code of Criminal Procedure, wherein she has only alleged that the in-laws persons have left her in a secluded place and from there the police has brought her in the house. She has not made any allegation of misbehave against the petitioner. It is further contended that the petitioner is none else, but the brother-in-law of the victim and only on account of a family dispute, the present FIR has been instituted. Moreover, the investigation of the crime is complete and the charge-sheet has been submitted, though the petitioner has been incarcerated since 10.06.2024.

5. On the other hand, learned Additional Public



Prosecutor for the State vehemently opposes the bail application and submits that apart from the allegation levelled in the FIR by the father of the victim, the statement of the victim was also recorded under Section 161 of the Code of Criminal Procedure wherein she has made allegation of causing rape upon her.

6. Regard being had to the submissions made on behalf of the parties and taking note of the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and the relationship between the victim and the petitioner coupled with the fair antecedent and the investigation being complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate in connection with Jokihat (Mahalgaon) P.S. Case No. 248 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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