

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60548 of 2024

Arising Out of PS. Case No.-94 Year-2024 Thana- BAISI District- Purnia

Md. Mangan S/o Rahmat R/o vill - Bailgari, P.S. - Baisi, Distt. - Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rubina Khatoon D/o Mohammad Qamrul R/o vill - Bailgari, P.O. - Kamhariya, P.S. - Baisi, Distt. - Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 26-10-2024 Heard the learned Advocate for the petitioner and the learned APP for the State.

2. The petitioner seeks grant of regular bail, who is in custody in connection with Baisi P.S. Case No. 94 of 2024 registered for the offence punishable under Sections 376, 323, 506 and 34 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that in the fateful night of 15.04.2024, the petitioner entered in her room and committed rape upon her by giving the threat of causing her death. It is further alleged that on hulla being raised when the petitioner tried to flee away, he was apprehended by the villagers and thereafter, incidence was brought to the knowledge of Panchayat, where the people of the



Panchayat told him to solemnize marriage with the informant, but he refused to solemnize, thus the FIR.

4. Learned Advocate for the petitioner contended that the occurrence is alleged to have taken place on 15.04.2024, but surprisingly the FIR has been lodged on 29.04.2024. There is no cogent explanation of delay of lodging of the FIR. It is further contended that in fact, the victim is a major and both the families are known to each other. On the alleged date of occurrence they were caught by the villagers in compromising position, and as such, pressure has been made upon the petitioner to solemnize the marriage, but later on he refused to do so, which resulted in lodging of the FIR. The victim was also examined by the Medical Board, wherein, no recent sign of rape has been found. It is further contended that the petitioner is a man of fair antecedent and now he has been incarcerated since 30.04.2024. The investigation is complete and the charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that specific allegation has been levelled against the petitioner of commission of rape.

6. Regard being had to the submissions made on



behalf of the parties and considering the delay in lodging of the FIR, coupled with the factum of completion of the investigation and the submission of the charge-sheet, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Baisi P.S. Case No. 94 of 2024, 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)

Jyoti Kumari/-

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