

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64088 of 2023

Arising Out of PS. Case No.-37 Year-2015 Thana- CHANDAUTI District- Gaya

1. Md. Manowar @ Md. Munabbar S/O Md. Arif R/O Village- Kasma, P.S- Chadauti, Distt.- Gaya.
2. Md. Junaid S/O Md. Feku @ Md. Rehan R/O Village- Kasma, P.S- Chadauti, Distt.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 27-02-2024 Heard Mr. Sanjeev Kumar, learned counsel for the petitioners and Mr. Mohammad Arif, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Chaudati (Chakand) P.S. Case No. 37 of 2015, F.I.R. dated 02.03.2015 for the offences punishable under Sections 376, 511 and 341 of the Indian Penal Code and Section 4/6 of the POCSO Act.

3. According to prosecution case, all the accused persons including the petitioners caught the informant with intention to commit rape upon her.

4. Learned counsel for the petitioners submits that



petitioner no. 1 has clean antecedent and petitioner no. 2 carries two criminal antecedents and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that due to village politics the petitioners have been implicated in the present case. He further submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. in which she has not supported the case of the prosecution.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that the petitioners are named in the F.I.R and there is direct and specific allegation against the petitioners that they have tried to commit rape upon the informant and apart from that the petitioner no. 2 carries 2 criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner no. 2 is on bail in both the pending cases.

6. Considering the aforesaid facts and circumstances and the fact that the victim has not supported the case of the prosecution, let the petitioners, above named, in the event of



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) each with two sureties of the like amount each to the satisfaction of the learned Special Judge POCSO Court-cum- Additional District & Sessions Judge VI, Gaya in connection with Chandauti (Chakand) P.S. Case No. 37 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

Vanisha/-

U		T	
---	--	---	--

