

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80205 of 2024

Arising Out of PS. Case No.-269 Year-2023 Thana- MANJHI District- Saran

Anil Singh Son of Late Manish Singh @ Mani Singh R/O- Tajpur
Phoolwariya, P.S- Manjhi, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshul, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-11-2024 Heard Mr. Anshul, learned counsel for the petitioner
duly assisted by Mr. Aditya Pandey, Ms. Eashita Raj and Ms.
Sakshi Bhatnagar and Mr. Jitendra Kumar Singh, learned APP.

2. The petitioner is in custody in connection with Manjhi P.S. Case No. 269 of 2023 for the offence punishable under sections 376 and 511 of the Indian Penal Code and 37(c) of the Bihar Prohibition and Excise Act lodged on 25.08.2023 by the informant, Junnan Khatoon.

3. As per the prosecution story, the informant alleged that while she had gone out to pick-up flowers, this petitioner dragged her in the house and outraged her modesty after removing her clothes. She took an excuse of going to the washroom and ran away, the villagers put clothes on her which followed the arrest of the petitioner and he was drunk. This led to the FIR.

4. Learned counsel for the petitioner submits that he has suffered a lot by being in custody since 26.08.2023 (paragraph-12 of the petition), though earlier, the allegation was



of outraging the modesty, subsequently, she bettered herself in the 164 Cr.P.C. statement and allegation of rape has also been brought in. He, however, submits that it does not corroborate with the medical report in which, no evidence of recent intercourse was recorded by the Doctor. He further submits that if the petitioner is granted bail, shall be diligently appear in trial.

5. Learned APP opposes the prayer for bail submitting that the lady though earlier made an allegation of outraging the modesty but the subsequent statement has alleged rape.

6. Having heard the parties as also the facts on record, the FIR records her allegation of outraging the modesty, the medical report has ruled out the sexual assault thus, supporting the original FIR story. He has remained in custody since 26.08.2023 and it has been submitted by all the assisting counsels who have duly argued in the matter side by side in support of the petitioner that he will have no truck with the lady, if granted bail, in that background, this Court is inclined to extend him the privilege of bail with strict 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 Exclusive Special Excise Judge – II, Saran at Chapra, in connection with Manjhi P.S. Case No. 269 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 month for two years 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)

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