

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25154 of 2025

Arising Out of PS. Case No.-177 Year-2024 Thana- BODHGAYA District- Gaya

Kundan Manjhi, S/o Rajesh Manjhi, Resident of Village-Tika Bigha, P.S-
Bodhgaya, Distt.- Gaya. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

Mr. Ajay Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 28-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with S. Tr. No. 939 of 2024 arising out of Bodhgaya P.S.
Case No.177 of 2024 registered for the offences punishable
under Sections 376, 354-B, 341 and 323 of the Indian Penal
Code.

3. The accused/petitioner is named in the FIR and is
in custody since 28.01.2025.

4. Allegation against the petitioner is to commit
rape upon informant, who is a co-villager and aged about 46
years old.

5. It is submitted by learned counsel appearing for
petitioner that out of neighbourhood dispute and differences,



the petitioner was falsely implicated, who is 25 years old. It is submitted that the false implication can be gathered from the fact that if statement of victim as recorded under section 164 of the Code of Criminal Procedure be accepted true on its face, then certainly, she must received abrasion on her left leg and hand, what she said to be received during the occurrence but, upon her medical examination, which was conducted on very next day, no such injuries were found by the doctor, making entire allegation false on its face. It is further submitted that no in or around injury was notice on private part upon medical examination. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence. It is further submitted that petitioner found involved in one more criminal case but, not of same nature.

6. Learned APP while opposing the prayer for bail submitted that rape is a legal finding and non-availability of injuries in or around private part of the victim does not lead to conclusion *ipso facto* that rape was not committed upon.



However, he could not disputed non-finding of injuries upon victim in terms of her statement recorded under Section 164 of the CrPC.

7. In view of aforesaid submissions and by taking note of fact as injury report nowhere *prima facie* suggest the availability of injuries upon leg and hand of victim/informant in terms of her statement recorded under Section 164 of the CrPC, coupled with the fact that investigation of this case is already completed, where petitioner is in custody since 28.01.2025, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-XV, Gaya in connection with Bodhgaya P.S. Case No.177 of 2024, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS').

(Chandra Shekhar Jha, J.)

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