

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79321 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- MIRGANJ District- Purnia

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Mannu Muni @ Mannu Kumar, Son of Bahadur Muni, R/o Village-
Barahkona, P.S.-Mirganj, Distt.- Purnea

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vikram Singh, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-01-2025 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection

with Mirganj P.S. Case No.19 of 2024 registered for the

offences punishable under Sections 376 and 506 read with 34

of the Indian Penal Code.

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

in custody since 21.08.2024.

4. The allegation against the petitioner is to commit

rape upon the informant after trespassing her house on

04.02.2024, when she was sleeping along with her four

childrens. It appears out of FIR that informant/victim was 35



years old whereas petitioner was 20 years old at the time of occurrence.

5. It is submitted by learned counsel that the petitioner has been implicated falsely with present case for land dispute, as it transpired during the course of investigation. In support of his submission, learned counsel emphasized para-59 and 60 of the case diary. It is also submitted that the present FIR was lodged with a delay of ten days, as the occurrence alleged to be taken place on 14.02.2024, whereas FIR in issue was lodged on 24.02.2024. It is pointed out that the victim was examined on same very day of lodging of the FIR, where nothing *prima facie* appears, which may suggest the allegation of rape.

6. It is further submitted that the statement of victim as recorded under Section 161 of the Code of Criminal Procedure (for short 'CrPC') appears contradictory to that of her statement recorded under Section 164 of the CrPC for the reason that while recording her statement under Section 161 of the CrPC, she categorically stated that occurrence took place while she was sleeping and, therefore, could not object



the petitioner. While concluding argument, it is submitted that investigation of this case is completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence and moreover, the petitioner is a man of clean antecedent.

7. Learned APP opposes the prayer for grant of bail to the petitioner.

8. In view of aforesaid factual submissions and by taking note of contradictory statements of victim as recorded under Section 161 of the CrPC *qua* her statement recorded under Section 164 of the CrPC regarding occurrence, coupled with the fact that investigation of this case is already completed, where petitioner is in custody since 21.08.2024, 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 Judicial Magistrate-1st Class, Purnea in connection with Mirganj P.S. Case No.19 of 2024, subject to the conditions as laid down under Section 437(3) of the CrPC/under Section 480(3) of the Bhartiya Nagrik



Suraksha Sanhita (for short ‘BNSS’).

(Chandra Shekhar Jha, J.)

Sanjeet/-

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