

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45726 of 2016

Arising Out of PS.Case No. -19 Year- 2015 Thana -BHAGHA District-
WESTCHAMPARAN(BETTIAH)

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1. Sadul Mian @ Amamul Ansari, Son of Osiyar Mian Resident of Village-
Suryapur, P.S.- Bhangaha, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Smt. Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 07-12-2016 Heard the Counsel for the petitioner and the APP for
the State.

This is repeat application seeking bail in Bhangaha
P.S. Case No. 19 of 2015 registered under Sections 376, 313/34 of
the Indian Penal Code in view of the liberty granted under order
dated 16.12.2015 passed in Cr. Misc. No. 52146 of 2015 while
rejecting his application for bail.

It is submitted that the victim has not alleged
anything against the petitioner insofar as her alleged abortion is
concerned. Indisputably, she was above 20 years of age. It is a
case of consensual cohabitation. Petitioner is in custody since
17.08.2015.

From the status report, it appears, the case is fixed
for framing of charge wherein some application on behalf of the



petitioner was filed and the same is under consideration.

Looking to the entire facts and circumstances of the case as also the period of incarceration already undergone by the petitioner, this Court, while declining prayer for grant of bail, disposes off the application by the following order:-

Let the Trial Court endeavour to frame charge against the petitioner. No sooner the charges are framed, the petitioner shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount to its satisfaction in Bhangaha P.S. Case No. 19 of 2015 subject to the following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) After framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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