

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57812 of 2015

Arising Out of PS.Case No. -551 Year- 2015 Thana -SAHARSA District- SAHARSA

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1. Md. Parwej son of Md. Kasim Resident of Village - Sulindabad, P.S. Sadar, District - Saharsa..... Petitioner

Versus

1. The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Indu Kumari Srivastava(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 17-02-2016 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner seeks bail in connection with Saharsa Sadar P.S. Case No. 551 of 2015 registered for the offence punishable under Section 376 of the Indian Penal Code.

Allegedly, the petitioner after entering into the house of the informant committed rape with her and after causing threats fled away.

Submission is of false implication and that earlier also the informant has filed Saharsa Mahila P.S. Case No. 08 of 2014 under Section 376 of the Indian Penal Code itself with wrong allegation wherein the petitioner was allowed bail vide order dated 08.06.2015 passed in Cr. Misc. No. 1590 of 2015 and after release again the informant implicated the petitioner in this case, due to

title suit pending between the parties the petitioner is being implicated in one case after another and as such the petitioner deserves sympathetic consideration.

Learned APP after going through annexure-2 fairly submits that earlier also the petitioner was made accused in Saharsa Mahila P.S. Case No. 08 of 2014 under Section 376 of the Indian Penal Code by the same informant wherein the petitioner has been allowed bail.

In the facts and circumstances stated above, considering the enmity between the parties, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 551 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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