

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.10789 of 2016**

Arising Out of PS.Case No. -62 Year- 2015 Thana -BHAWANIPUR District- PURNIA

1. Md. Azad, Son of Late Md. Abbas, resident of Village- Madhonagar,  
Police Station- Bhawanipur, in the district of Purnea. .... Petitioner/s

Versus

1. The State of Bihar ..... Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Jitendra Kr.Singh 1(App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**

**ORAL ORDER**

3 27-04-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with  
Bhawanipur P.S. Case No. 62 of 2015 registered for the offences  
punishable under Sections 376 and 417 of the Indian Penal Code.

On the basis of complaint case this case has been  
registered with allegation that the petitioner committed rape with  
the complainant-informant, aged 25 years and gave assurance to  
marry with her but later on, petitioner refused to marry with her.

Submission is of false implication and that the  
petitioner is married one, having six children, the informant has  
also got two children, the informant developed illicit relationship  
with the petitioner herself and later on started pressurizing the  
petitioner to marry with her and this fact has come during  
investigation vide para nos. 10, 11, 12, 13, 14 and 22 of the case  
diary. The informant has not been medically examined nor her

statement has been recorded under Section 164 Cr.P.C. and, as such, the petitioner who is suffering in custody since 10.12.2015, deserves sympathetic consideration to which the learned A.P.P. fairly submits that the victim has not been examined by the doctor nor her statement has been recorded under Section 164 Cr.P.C.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, 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 Judicial Magistrate, 1st Class, Purnea in connection with Bhawanipur P.S. Case No. 62 of 2015 subject to the conditions that one of the bailors must be 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)**

sushma/-

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