

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19279 of 2017

Arising Out of PS.Case No. -239 Year- 2016 Thana -BAKHTIARPUR District- SAHARSA

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Md. Mirza Ali Son of Md. Qayum Resident of Village - Islampur, Police
Station - Bakhtiyarpur, District - Saharsa. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Md. Nurul Hoda

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary 1

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

ORAL ORDER

2 18-05-2017 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner seeks bail in connection with
Bakhtiyarpur P.S. Case No. 239 of 2016 registered for the offence
punishable under Section 376 of the Indian Penal Code.

In the first information report the informant alleged
that the petitioner was committing rape with her for last five
months, resulting, she became pregnant but in the statement
recorded under Section 164 Cr.P.C. she has not stated regarding
rape committed by the petitioner rather she states that there was
land dispute and due to that she lodged the case and she was
pregnant from her husband.

Submission is of false implication and that the
informant in her statement recorded under Section 164 Cr.P.C. has
not supported the allegation of rape and the petitioner without any



fault is suffering in custody since 05.10.2016.

Learned APP fairly submits that the victim has not supported the allegation of rape in her statement recorded under Section 164 Cr.P.C. vide annexure-2.

In the facts and circumstances stated above, 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 Bakhtiyarpur P.S. Case No. 239 of 2016, 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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