

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1869 of 2017

Arising Out of PS.Case No. -1 Year- 2012 Thana -BALRAMPUR District-
WESTCHAMPARAN(BETTIAH)

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1. Manzoor Ali, Son of Muslim Ali, resident of Village- Hakim Nagar,
P.S. Balrampur, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bimal Kumar Mr. Birendra Kumar
For the State	:	Mr. Matloob Rab, APP
For the O.P. No.2	:	Mr. Surya prakash & Mr. S.K. Choubey

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

2 20-01-2017 Heard the learned counsel for the petitioner, the

learned A.P.P for the State as also the learned counsel for the

Informant.

The petitioner seeks bail in a case for the offence
punishable under section 376 of the I.P.C

Allegedly, the petitioner being father of the
complainant committed rape with her and then the complainant
lodged case before the Surpanch where the petitioner did not abide
the terms of the Panchayati and thereafter complaint petition was
filed and on that basis FIR was lodged. After investigation the
police submitted final form against the petitioner finding the



allegation not true but the learned Magistrate after differing with the opinion of the investigating officer took cognizance under section 376 of the I.P.C against the petitioner.

Submission is of false implication and that it is not believable that father will commit such offence with his daughter, the occurrence is alleged to be of 25.08.2011, whereas, complaint case has been lodged on 03.11.2011 and accordingly FIR was registered on 03.01.2012, the petitioner is suffering in custody in this false case since 01.12.2016.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the police being in collusion of the petitioner has submitted final form but there are sufficient material in the case diary and the learned Magistrate after perusal of the case diary has taken cognizance.

In the facts and circumstances as stated above, considering that the police after investigation has submitted final form and as such considering detention of the petitioner, now he is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M-VI, Katihar in Balrampur P.S. Case No. 01 of 2012, 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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