

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55158 of 2017

Arising Out of PS.Case No. -15 Year- 2017 Thana -MAHILA P.S. District- MADHUBANI

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1. Mustakim @ Md. Mustakim Son of Md. Habib Resident of Village -
Jainagar, P.S. - Jainagar, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Vinod Shankar Modi

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
01.05.2017 in connection with Mahila P.S. Case No. 15 of 2017
for offences punishable under Sections 323, 504, 506, 376, 379,
427,384, 386, 420 of the Indian Penal Code and Section 9 of the
Women Violence Act.

Earlier bail application of the petitioner was rejected
by order dated 28.08.2017, passed in Cr. Misc. No. 30025 of 2017
with liberty to renew his prayer for bail after six months or after
framing of charge, whichever is earlier.

The prosecution case, as lodged by the informant, is
that she was subjected to rape, torture and also money and
jewellery was snatched from her in lieu of promise for getting



compensation of her late husband and was taken to Madhubani several times.

It has been submitted by the learned counsel for the petitioner that First Information Report has been lodged after a delay of nearly three months, the informant was a widow lady and there was consensual cohabitation. He submits that some of the witnesses have not supported the prosecution case. He further submits that charges have been framed on 10.10.2017 under Sections 376, 386, 420 of the Indian Penal Code.

However, learned APP for the State opposes the prayer for bail stating therein that on the false promise of getting compensation for her late husband, the informant was taken by the petitioner several times to Madhubani and was subjected to rape and her money and jewellery was also snatched.

Considering the facts and circumstances and the period of custody, since the charges have already been framed, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Madhubani, in connection with Mahila P.S. Case No. 15 of 2017, subject to the following conditions :



- (i) Both the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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