

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.321 of 2017

Arising Out of PS.Case No. -40 Year- 2016 Thana –NAUGACHIA (MAHILA) P.S. District-
BHAGALPUR

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Md. Aftab, son of Md. Kuddis, resident of Village- Tetri, Police Station-
Naugachia, District- Bhagalpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Vivekanand Singh, Advocate.

For the Opposite Party : Mr. J.K. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 06-02-2017 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 11.10.2016 in connection with Naugachia (Mahila) P.S. Case No. 40 of 2016 for the offences alleged under Sections 376/448 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely implicated and the entire prosecution story is completely improbable and the criminal case has been instituted only to pressurise the petitioner into marriage with the informant. Admittedly, the petitioner was known to the informant for four years, being her tutor. The fardbeyan has been recorded after about three months of the alleged occurrence which itself casts serious doubt on the veracity of the accusation. The F.I.R. in Naugachia P.S. Case No. 172 of 2016 by the father of the informant alleging her kidnapping was filed against other persons and not against the petitioner. Petitioner claims clean antecedents.

4. Having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be



released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Naugachia, Bhagalpur in connection with Naugachia (Mahila) P.S. Case No. 40 of 2016, on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv)The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

Md. Ibrarul/Chandran

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