

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26346 of 2017

Arising Out of PS.Case No. -78 Year- 2016 Thana -MAHILA PS District- DARBHANGA

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Md. Irshad @ Md. Irshad Pravez Son of Md. Anjum Jeb @ Md. Anjum,
Resident of Village- Shahsupan, P.S.- Laheriasarai, District- Darbhanga.
..... Petitioner

Versus

1. The State of Bihar.
2. Rina Pravez , D/o Hira @ Juggu, Resident of Mohalla- Donar, P.S.-
Laheria Sarai, District- Darbhanga.

..... Opposite Parties

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Appearance :

For the Petitioner : Mr. Ram Subhas Singh, Advocate.
For the Opposite Parties : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 10-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 07.03.2017 in
connection with Darbhanga Sadar Mahila P.S. Case No. 78 of 2016,
G.R. No. 2985 of 2016 for the offences alleged under Sections 376,
313, 323/34 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely
implicated which is evident from the very fact that the F.I.R. has
been instituted after an inordinate delay of over ten months on
09.09.2016 for the alleged occurrence of 16.10.2015. Just a day
prior on 08.09.2016, the petitioner had instituted a complaint in
C.R. No. 1236 of 2016 against the informant and other persons with
allegation attracted the offences under Sections 323, 341, 406, 452,
386/511 of the Indian Penal Code. It is therefore submitted that
the present F.I.R. has been instituted only in retaliation to the
petitioner's complaint. There is no supporting evidence with
regard to the commission of rape or of abortion as alleged in the
F.I.R.

4. Be that as it may, 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, Darbhanga, in connection with Darbhanga Sadar Mahila P.S. Case No. 78 of 2016, G.R. No. 2985 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/BT

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