

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48377 of 2016

Arising Out of PS.Case No. -28 Year- 2015 Thana -MAHILA P.S. District- ARRARIA

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1. Md. Mujahid @ Md. Mojahid Son of Md. Shobrati Resident of Village-
Indrapur Ward No. 12, Police Station-Chhatapur, District-Supaul

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Jitendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 08-02-2017 Heard the parties.

This application has been filed in connection with Araria Mahila P.S.Case No.28 of 2015, G.R.No.1765 of 2015 for the offence under Section 376 of the Indian Penal Code.

It is submitted on behalf of the petitioner that though in the complaint petition there is specific allegation of rape against the petitioner but it has come during the course of investigation that earlier to this case, the daughter of the petitioner had lodged a case against the cousin of the victim and that due to that, the petitioner has been falsely implicated in this case. The petitioner is in custody for about six months.

Heard learned A.P.P. also.

Having heard both sides. In view of the fact that prior to this



case, the daughter of the petitioner had lodged a case against the cousin of the victim and it has also come in the case diary also, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Araria in connection with Araria Mahila Police Station Case No.28 of 2015, G.R. No.1765 of 2015.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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