

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31490 of 2017

Arising Out of PS.Case No. -144 Year- 2016 Thana -KASBA District- PURNIA

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Md. Zafar @ Munna, son of Late Md. Tihid , resident of Village- Dubali,
P.S.- Kasba, District- Purnea.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vikram Singh

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 27-07-2017 Heard learned counsel for the petitioner.

This is an application for bail in connection with Kasba P.S.Case No. 144 of 2016 registered for the offences punishable under Sections 376 and 313/34 of the Indian Penal Code.

Allegation against the petitioner is of committing rape upon the victim girl on the assurance of marriage and thereafter he refused to marry her and there is also allegation of threat.

It has been submitted on behalf of the petitioner that FIR itself shows that it is not a case of commission of rape, rather it is a love affairs and as there is dispute between the parties from before, he has been falsely implicated in this case and the girl is a major one and he is in custody since 12.1.2017.

Heard learned APP also, who has opposed the prayer for bail stating FIR shows that petitioner has committed rape upon the victim girl and thereafter she was given threat also.



Having heard both sides and considering the aforesaid facts and circumstances, let the petitioner, named above, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Purnea, in connection with Kasba P.S.Case No. 144 of 2016, subject to the conditions that :-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable properties within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate 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 reason, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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