

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76113 of 2018

Arising Out of PS. Case No.-256 Year-2015 Thana- KASBA District- Purnia

Mahboob Alam, son of Mainul, resident of village- Kusha, P.S. Kasba,
District- Purnea.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Sri Indra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 19-12-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in
connection with Special Case No. 65 of 2015 arising out of
Kasba P.S. Case No. 256 of 2015 registered for the offence
punishable under Sections 376, 504 of the Indian Penal Code
and Section 6 of the POCSO Act.

Informant has alleged that on 21.06.2015 petitioner
had committed rape upon her and threatened that if she discloses
to any one she and his brother in law will be killed.
Complainant thereafter informed his brother in law and sister
about the incident and thereafter a Panchayati was held in which
the father of informant was not agreeable for the marriage but
subsequently he agreed for marriage but no date was fixed and



marriage could not be solemnized and thereafter she filed a Complaint Case after one months which was referred to police under Section 156(3) of Cr.P.C. and after investigation police submitted final form as case to be false, however, the learned court below differing with the finding of police took cognizance against petitioner under Sections 376 and 504 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that he is innocent and only to pressurize him to solemnize marriage with petitioner the present case on false and concocted grounds has been filed. The age of the informant has been assessed as 19-20 years. Petitioner has no criminal antecedent and he is in custody since 09.09.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Purnea in connection with Special Case No. 65 of 2015 arising out of Kasba P.S. Case No. 256 of 2015 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and



shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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