

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24681 of 2018

Arising Out of PS.Case No. -482 Year- 2017 Thana -KAHALGAON District- BHAGALPUR

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Md. Ali, Son of Md. Kamal, Resident of Village- Pakartalla, P.S.-
Kahalgaon, District- Bhagalpur. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner : Mr. Shiwesh Chandra Mishra, Advocate

For the Opposite Party : Mr. Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 24-05-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner is an accused in a case registered for offence
under sections 376, 363, 365/34 IPC and 4/5 Immoral Traffic
(Prevention) Act.

Learned counsel for the petitioner submits that prima
facie it appears from the FIR and the statement of the victim
recorded under section 164 CrPC (Annexure 2) that the victim is
30 years old. The prosecution case is out and out false and
concocted. The event narrated suggest consent of the victim. FIR
has been lodged after inordinate delay of three years. No details of
the occurrence has been provided and co-accused Dhiraj Kumar,
with whom she is said to have been forcibly married, has already
been allowed bail by the court below. Prior to lodging of this case,



petitioner is a man of clean antecedent. Petitioner is in custody in connection with this case since 6.9.2017.

In the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Sessions Judge, Bhagalpur in Sessions Trial No. 170 of 2018, Kahalgaon Police Station Case No. 482 of 2017 on the following conditions:-

(a) One of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner.

(b) He/she will be well represented on each date and if he/she fails to do so on two consecutive dates, his/her bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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