

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13163 of 2018

Arising Out of PS.Case No. -154 Year- 2004 Thana -GARAUL District- VAISHALI(HAJIPUR)

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1. Md. Shamsad @ Md. Shamshad S/o Late Md. Sahid, R/o Village-
Garaul, P.S.- Garaul, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shabana Khatoon D/o Md. Ragiq, R/o Village- Garaul, P.S.- Garaul,
District- Vaishali at present W/o Md.Ashgar, R/o Village- Biharil, P.S.-
Bhagwanpur, District- Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh

For the Opposite Party/s : Mr. Sri Dilip Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 04-04-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with
Garaul P.S.Cae No.154 of 2004, registered for offences punishable
under Sections 406. 420, 323, 376, 120(B) of the Indian Penal
Code.

Allegation against the petitioner is of committing rape of the
informant. It appears that the case is of the year, 2004.

Submission of the learned counsel for the petitioner is that
that after investigation, the case was not found true and the police
has submitted final form in the year, 2005, however, the
cognizance has been taken in the year, 2012 and further
submission is that cognizance order (Annexure-3) discloses that
the lady does not want to pursue the case as she is married and her
prestige is involved in this case but in spite of that prayer for bail



of the petitioner has been rejected by the learned court below.

Heard learned A.P.P. also.

Having heard both sides and in view of the peculiar facts and circumstances of the case, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of order, be released 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 the learned Sub Judge IIIrd-cum-A.C.J.M. IInd, Vaishali at Hajipur in connection with Garaul P.S.Case No.154 of 2004, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

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 investigation of the case and make himself available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of his bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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