

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63366 of 2017

Arising Out of PS.Case No. -37 Year- 2015 Thana -MAHILA PS District- GAYA

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1. Md. Shamshad Alam, S/o Md. Ishlam Ansari, Resident of Village-Dabur, P.S.- Konch, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Sri Sakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 12-01-2018 Heard learned counsels for the petitioner and the informant as well as Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Mahila Police Station Case No. 37 of 2015 registered for offences punishable under sections 354 (B), 376, 511, 504, 323/34 of the Indian Penal Code.

The allegation, as per written report, is that this petitioner and his uncle used to torture the informant since last several days and on the day of occurrence, they entered into her house, abused, gave threat, started misbehaving and threw her on the ground with intention to commit rape.

It has been submitted that the petitioner and the informant are resident of same place. There is land dispute



between the parties. The informant is in habit of filing of case, as prior to filing of the present case, she had lodged Konch Police Station Case No. 31 of 2015 in which the petitioner is on bail.

Learned counsel for the informant as well as learned Additional Public Prosecutor for the State opposed the submission and prayed for call for case diary. It has been submitted that the petitioner is in habit of committing crime in the locality and several cases are pending against him.

From perusal of para 2 of this application it appears that the petitioner has clean antecedent except one case i.e. Konch Police Station Case No. 31 of 2015 in which he was allowed anticipatory bail. The petitioner is in custody 13.10.2017.

Considering the facts and circumstances of the case, the prayer for bail is allowed and the above named petitioner is directed to be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Gaya in connection with Mahila Police Station Case No. 37 of 2015, subject to the 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 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 reasons, the prosecution is free to move for cancellation of his bail.
- (iv) If the petitioner is found in similar type of offence in future, the prosecution will have liberty to move for cancellation of his bail.

(Sanjay Kumar, J)

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