

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40321 of 2018

Arising Out of PS.Case No. -79 Year- 2018 Thana -KASBA District- PURNIA

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1. Md. Jigar @ Md. Jigar Alam Son of Md. Razzaque
2. Md. Saiyad @ Saiyad Alam Son of late Taslidar both resident of village -
Thakthakiya, P.S. - Kasba, District - Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand

For the Opposite Party/s : Mr. Sri Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 12-07-2018 Heard the parties.

The petitioners are apprehending their arrest in connection with Kasba P.S.Case no.79 of 2018 registered for offences punishable under Sections 376 and 34 of the Indian Penal Code.

Allegation against the petitioner no.1 is of committing rape upon the informant and against the petitioner no.2 is that in *panchayat* he obstruction in the marriage of the informant with the petitioner no.1.

Submission of the learned counsel for the petitioner is that as a matter of fact the informant has plucked the maize from his field and for that he was apprehended and the present false and concocted case has been lodged against the petitioner.

Heard learned A.P.P. also.



Having heard both sides and in view of the facts and circumstances, as stated above, so far petitioner no.1 (Md. Jigar @ Md. Jigar Alam) is concerned, I am not inclined to grant bail to the petitioner, rather let the petitioner surrender before the learned court below within a period of four weeks from the date of receipt of the order and make prayer for regular bail, which will be considered by the learned court below on its own merit.

So far petitioner no.2 (Md. Saiyad @ Saiyad Alam) is concerned, let the petitioner no.2 in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt of the 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 CJM, Purnea in connection with Kasba P.S.Case No.79 of 2018 subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With the aforesaid direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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