

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33800 of 2018

Arising Out of PS. Case No.-349 Year-2017 Thana- PALASI District- Araria

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Afroz Alam, Son of Zhari Bux, Resident of Village- Denga, Police Station
-Palasi, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Smt. Nivedita Nirvikar, Advocate

Sri Subodh Kumar Barnwal, Advocate

For the Opposite Party/s : A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 29-08-2018 Heard Smt. Nivedita Nirvikar, learned counsel,

assisted by Sri Subodh Kumar Barnwal, learned counsel for the

petitioner and learned Additional Public Prosecutor.

The sole petitioner, who is in custody since
25.12.2017 in connection with Palasi P.S. Case No. 349 of
2017 registered on the basis of Complaint Case No. 2623-C of
2017 for the offence under Sections 328, 493, 313 & 511 of
the Indian Penal Code, 1860 has prayed for grant of bail.

Learned counsel for the petitioner submits that
petitioner has been victimized by the complainant since
complainant by one way or the other was pressurizing the
petitioner to marry with her and a false case was concocted. It



has been argued that petitioner is the own brother of brother -in-law of the complainant and a plea was taken that she was firstly given some sedative in drink and thereafter she was raped. Continuously thereafter she was raped by the petitioner on assurance that he will marry her but subsequently when complainant conceived and persuaded the petitioner to solemnize marriage, neither petitioner agreed nor his family members agreed and all the family members, including the petitioner, has been arrayed as accused. It has also been argued that despite the fact that petitioner is in custody since 25.12.2017 till date not even single witness has been examined.

In this case, earlier I had called for report from the court below regarding the present stage of the case as well as case diary and on examining the report it is evident that though charge has already been framed, despite issuance of bailable warrant of arrest no witness has turned up till date. Apart from that on perusal of the case diary it is evident that the complainant / victim was herself major and aged above 20 years.

Considering the facts and circumstances, let the petitioner - Afroz Alam be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the



like amount each to the satisfaction of learned A.C.J.M. - VI,
Araria / concerned court in connection with Palasi P.S. Case
No. 349 of 2017 with condition that he will appear before the
court below during trial on each and every date and if
continuously on two dates he remains absent without prior
permission of the trial court, his bail bond shall stand
automatically cancelled.

(Rakesh Kumar, J)

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