

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44359 of 2018

Arising Out of PS.Case No. -73 Year- 2018 Thana -DAGARUA District- PURNIA

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1. Md. Islam S/o Late Isha, R/o Vill.- Islampur Dansar, P.S.- Dagarua ,
Distt.- Purnia.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Mallick

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

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 04-09-2018 Heard the parties.

The petitioner seeks regular bail in connection with Dagarua
P.S.Case no.73 of 2018 registered for offences punishable under
Sections 376 and 506 of the Indian Penal Code.

Allegation against the petitioner is of commission of rape
upon the informant and submission of the learned counsel for the
petitioner is that he is a aged person and he has been falsely
implicated in this case as son of the petitioner had lodged a case
against the husband of the informant for committing rape upon his
daughter on 30.4.2018 and the present case has been lodged
against the petitioner to save their skin and the petitioner is in
custody since 3.5.2018 and further submission is that the medical
report does not support the commission of rape.



Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, be enlarged 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 ACJM-II, Purnia in connection with Dagarua P.S.Case no.73 of 2018.

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 disposal of trial and make himself available as and when required by the court and in the event of failure 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 bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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