

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4449 of 2019

Arising Out of PS. Case No.-76 Year-2018 Thana- MAHILA P.S. District- Siwan

Faiyaz Ahmad Mohammad Murtuza @ Murtuza Ahamad resident of Dakhin
Tola Seikh Mohalla,

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Singh

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 31-01-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in
connection with Siwan Mahila P.S. Case No. 76 of 2018
registered for the offence punishable under Section 376(AB) of
the Indian Penal Code and Section 4/8 of the POCSO Act.

Informant is the mother of victim, who in her written
complaint has stated that on 01.11.2018 her minor daughter
Anita Tiwary complained that Faiyaz Ahmad (petitioner)
committed rape upon her.

It has been submitted on behalf of the petitioner that he
has been falsely implicated in this case. The allegations are false
and concocted. The victim girl was subjected to medical
examination and according to which no evidence of recent
sexual intercourse has been found nor any dead or alive



spermatozoa was found. The victim girl was examined on the same day of occurrence and the Medical Board has assessed the age of victim girl between 18-19 years. Petitioner has no criminal antecedent and he is in custody since 02.11.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-Special Judge, Siwan, in connection with Siwan Mahila P.S. Case No. 76 of 2018 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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