

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9771 of 2019

Arising Out of PS. Case No.-31 Year-1996 Thana- CHHATAPUR District- Supaul *

FAZEEL MIYAN @ MD. FAZIL, aged about 65 years (Male), Late Bachchan
Miyan, Resident of village- Rampur, P.S.- Chhatapur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arun
		Mr. Agreya Pratap
For the Opposite Party/s :		Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 14-03-2019 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 376, 323, 324, 341/34 of the Indian Penal Code.

Informant has alleged in her written complaint that one day earlier petitioner's wife came at her house and told that her mother-in-law was having pain in her stomach and she should accompany them to provide some relief to her mother-in-law and when she was going, petitioner and co-accused committed rape upon her.

It has been submitted on behalf of the petitioner that after investigation, police had submitted charge sheet under Sections 341, 323 and 504 of the Indian Penal Code, however,



Court did not agree with the opinion of the I.O. and took cognizance under Sections 376, 323, 324, 341/34 of the Indian Penal Code and charges were also framed. Three witnesses have been examined on behalf of the prosecution but none of them supported the case of the prosecution as contained in Annexure-2. Petitioner has no criminal antecedent and he is in custody since 26.8.2018.

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/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Sessions Trial No. 240 of 2018 arising out of Chhatapur P.S. Case No. 31 of 1996, with following conditions:-

(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 shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(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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