

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.6556 of 2019**

Arising Out of PS. Case No.-336 Year-2018 Thana- SAHEBPUR KAMAL District-  
Begusarai

MD. MAHBOOB @ MD. MAHBOOB ALAM about 43 years Male, Son of  
Zubair Resident of Village – Pachbir, PS Sahebpur Kamal, District Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL ORDER**

2      11-02-2019

Heard learned counsel for the parties.

Petitioner seeks bail in **Sahebpur Kamal (S. Kamal)**

**P.S. Case No. 336 of 2018** registered for the offence punishable  
under Section 376 of the Indian Penal Code.

Informant has alleged in her written complaint that  
while on 19.10.2018 at about 11:00 pm while she was returning  
after seeing *Mela* at about 2:00 pm in the night, petitioner on  
gun point forcibly took her and committed rape upon her and  
thereafter again put her in the Tempo, however, on raising alarm  
he de-boarded her and fled away.

It has been submitted on behalf of the petitioner that  
the occurrence is of 19.10.2018, however, FIR was instituted on  
21.10.2018 without any explanation for such delay. It has been



further submitted that the victim was examined by the medical board and as per the medical board no sign of any rape or injury on the person of victim was found. Informant and petitioner are next door neighbours and there is dispute with respect to drainage between the parties as such he has been falsely implicated in this case. The medical board had assessed the age of victim girl to be 19 years and she is a married lady. Petitioner has got no criminal antecedent and is in custody since 22.10.2018.

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 **Chief Judicial Magistrate, Begusarai**, in connection with **Sahebpur Kamal (S. Kamal) P.S. Case No. 336 of 2018**, 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/her absence on two consecutive dates without sufficient reason, his/her 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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