

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7603 of 2019

Arising Out of PS. Case No.-125 Year-2017 Thana- ABADPUR District- Katihar

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Equebal @ Equebal Hussain, aged about 31 years, Gender Male, son of Late Sukum Ali, Resident of Village – Jiyar, P.S. Abadpur, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Musowir, Adv.

For the Opposite Party/s : Miss. Nirmala Kumri (APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 13-02-2019 Heard learned counsel for petitioner and learned counsel for the State.

Petitioner, who is in custody, seeks bail in connection with S.T. No 352 of 2017 (Abadpur P.S. Case No. 125 of 2017) registered for the offences punishable under Sections 376-D, 366, 342, 448, 506/34 of the Indian Penal Code.

Informant in her complaint petition filed before the C.J.M., Katihar on 04.05.2017 has stated that accused nos. 1, 2 and 3 entered her house and took away in the house of accused no.1 and thereafter all the three committed rape upon her on 25.04.2017 at about 11:00 A.M. and thereafter fled away. She approached the police station but her FIR was not recorded and thereafter after delay of 11 days she has filed this complaint



case.

It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case due to family dispute and land dispute between the parties. Petitioner is own brother-in-law of complainant. The case was referred to police under Section 156(3) of Cr.P.C. and thereafter FIR was instituted giving rise to Abadpur P.S. Case No. 125 of 2017 dated 14.07.2017 and after investigation police has submitted charge sheet against all the accused named in the complaint case. The bail application of petitioner was earlier rejected by this court as contained in Annexure-1 however subsequently accused no. 2 Asraful @ Asraful Haque has been granted bail by co-ordinate bench of this court vide order dated 04.01.2019 passed in Cr. Misc. No. 26939 of 2018. It has been submitted on behalf of the petitioner that his case is also similarly placed and as such he is also entitled for privilege of bail. Petitioner has no criminal antecedent and is in custody since 22.12.2017.

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 Sessions Judge, Katihar, District Katihar, in connection
with S.T. No. 352 of 2017 (Abadpur P.S. Case No. 125 of
2017), subject to 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 Court and his absence on two consecutive dates without sufficient reasons, 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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