

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13115 of 2019

Arising Out of PS. Case No.-330 Year-2018 Thana- BIHPUR District- Bhagalpur

Md. Shabo Ali @ Md. Altab Raza @ Md. Altab @ Md. Altaf Raja Son of
Aftab Alam Resident of Village - Balia Lakhaminiya, P.S.-Lakhaminiya,
District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlesh Kumar Pathak
For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 376, 493, 504 and 506 of the Indian Penal Code.

The prosecution case, in brief, is that the petitioner oftenly used to visit the house of the informant. On the date of occurrence, the petitioner having found the informant alone, entered her house at night and forcibly, committed rape upon her.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The



petitioner has been falsely implicated in the present case. The informant has retracted from her earlier statement made in the FIR. which is evident from Annexure-3 to the application. The said application has been filed in the court below. The parties have come to an amicable settlement vide Annexure-3 to the application.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, Naugachia in connection with Bihpur (Bhawanipur) P.S. Case No. 330 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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