

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78613 of 2018

Arising Out of PS. Case No.-235 Year-2017 Thana- BALRAMPUR District- Katihar

Masood Alam @ Maswood Alam son of Late Fasiuddin Alam Resident of
Village- Bir Nagar P.S. Balrampur District Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Sri Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

4 14-02-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection
with Balrampur P.S. Case No. 235 of 2017 registered for the offence
punishable under Sections 376, 384 of the Indian Penal Code.

Initially a complaint case was filed in the court of Chief
Judicial Magistrate, Katihar, who referred the same to the police for
investigation under Section 156(3) Cr.P.C. pursuant to which the
present FIR was instituted.

Petitioner had earlier moved this Court for anticipatory
bail vide Criminal Miscellaneous No. 42648 of 2018 which was
dismissed on 24.07.2018.

Allegation against the petitioner is of committing rape
upon the informant by calling her in the house on the pretext of
getting her husband bail out. Occurrence is of 08.10.2017 whereas
complaint case has been filed on 18.10.2017.

It has been submitted on behalf of the petitioner that



the court below has assessed her age as 49 years and petitioner is 60 years old and the story of commission of rape is false and concocted and as a matter of fact the husband of the informant is an accused in a rape case, in which the petitioner is a witness and only to put pressure on him, the present false case has been lodged. Petitioner is in custody since 16.11.2018.

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 A.C.J.M.-VI, Katihar, in connection with Balrampur P.S. Case No. 235 of 2017 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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