

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78289 of 2018

Arising Out of PS. Case No.-120 Year-2018 Thana- BALRAMPUR District- Katihar

Md. Zarif son of Md. Gayasuddin, resident of Village- Baluganj, 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 Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 17-01-2019 Heard learned counsel for the parties.

Petitioner seeks bail in **Balrampur (Telta) P.S. Case No. 120 of 2018** registered for the offence punishable under Sections 342, 376, 313 and 120(B) of the Indian Penal Code.

Informant has alleged in heir written complaint that she lives in her house alone with her children and her husband has gone to Haryana to earn livelihood and in the meanwhile petitioner who was frequent visitor enticed her and established physical relation with her. Thereafter she became pregnant however, he got her aborted. When her husband came even thereafter he has established physical relation with her and one day she was forcibly kept in his house and subsequently she was



set free.

It has been submitted on behalf of the petitioner that there is no allegation made by her of committing any act without her consent or will. She has been found to be around 30 years old and no sign of abortion has been found in the medical report. Petitioner has got no criminal antecedent and is in custody since 03.09.2018.

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 **A.C.J.M. Vith, Katihar**, in connection with **Balrampur (Telta) P.S. Case No. 120 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 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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