

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58470 of 2018

Arising Out of PS. Case No.-48 Year-2017 Thana- KASBA District- Purnia

Md. Rahul, Son of Jan Mohammad @ Janu, Resident of Village- Pokhar Tol
Javanpur, P.S.- Kasba, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh
For the Opposite Party/s : Mr. Arun Kumar

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 02-01-2019 Heard learned counsel for the petitioner learned
counsel for the informant and learned A.P.P. appearing on behalf
of State.

Petitioner had earlier moved for bail which was
rejected by order dated 03.10.2017 passed in Cr. Misc. No.
38349/2017.

Petitioner is languishing in judicial custody since
15.04.2017 in connection with Sessions Trial No. 315/2017
arising out of Kasba P.S. Case No. 48/2017, for offences alleged
under Sections 302, 34, 120(B) and 201 of the Indian Penal
Code.

The prosecution case as lodged by the informant is
that when she came to her house she did not find her 19 year old



sister in the house. After two days her body was found cut into pieces in a Maize field of one Md. Mustafa. Further allegation upon the petitioner is that the petitioner along with one Md. Saidul was seen roaming in the Maize field on the date of occurrence and it was another co-accused Md. Alim who was seen around with the informant's sister.

Learned counsel for the petitioner submits that petitioner is innocent bears no criminal history. There is no eye-witness to the alleged occurrence and the confessional statement of co-accused Md. Alim and petitioner before the police has no evidentiary value in the eye of law. He further submits that as per medical report no sign of rape was found by the doctor during medical examination. He further submits that on similar allegation, co-accused Md. Saidul @ Md. Saidur has been granted privilege of bail by a coordinate bench of this court in Cr. Misc. No. 18644/2018 vide order dated 18.05.2018.

However, learned counsel for the informant as well as learned A.P.P. oppose the prayer for bail stating therein that the deceased was brought in the house of Md. Robi where all the four accused persons including the petitioner committed rape upon the deceased and cut her into pieces and threw her dead-body in the Maize field.



Considering the facts and circumstances of the case and period of custody as well as the fact that similarly situated co-accused has already been enlarged on bail, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Purnea in connection with Sessions Trial No. 315/2017 arising out of Kasba P.S. Case No. 48/2017 subject to the conditions:-

(1.) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2.) The petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

vinita/-

U		T	
---	--	---	--

