

\IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77894 of 2018

Arising Out of PS. Case No.-227 Year-2018 Thana- BIRPUR District- Supaul

Sahbuddin Son of Jalaluddin Resident of Village- Kochgawan, Ward No. 11,
Police Station - Birpur, Distt. - Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun

For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 22-02-2019 Heard learned counsel for the parties.

Petitioner seeks bail in Birpur P.S.Case No.227/18
registered for the offence under Section 376 of the I.P.C.

Allegation against the petitioner is of committing rape
upon the informant.

Learned counsel for the petitioner submits that the
petitioner is own relative of the informant who is consenting
party. Medical report also does not support the prosecution case.
Occurrence is of 29.08.2018, however, F.I.R. was instituted on
08.09.2018 He further submits that both the parties have
compromised the present case and it has been filed in the court
below which will appear from Annexure-2. Notices were issued
to complainant/O.P.No.2 upon which she appeared and her
counsel states that he is not opposing the bail petition of



petitioner. The petitioner having no criminal antecedent is in jail custody since 9.9.2018.

Looking to the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of A.C.J.M.-I, Supaul, in Birpur P.S. Case No.227 of 2018 subject to the conditions that :-

(1) Bailors should be of local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall cooperate 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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