

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71763 of 2018

Arising Out of PS. Case No.-130 Year-2018 Thana- AMDABAD District- Katihar

Abdul S/o Late Abdul Khalik R/o - Subedar Tola, P.S. Amdabad, District
Katihar

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Sanjeev Kumar Singh, Advocate
For the State	:	APP
For the Informant	:	Mr. Kamlesh Kumar Pathak, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 22-01-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 376 and 120(B) of the Indian Penal Code registered in connection with Amdabad P.S. Case No. 130 of 2018.

3. It is submitted that the petitioner has been falsely implicated and the accusation against the petitioner of establishing physical relation with the complainant-informant and breach of promise to marry her are improbable, considering that she is a mature lady of 33 years of age having four children of her own. The petitioner claims clean antecedents.

4. Learned APP assisted by learned counsel for the complainant-informant appearing suo motu submits that the informant has reiterated the accusations in her reinstatement as well as in her statement recorded under Section 164 of the Code of Criminal Procedure.

5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be



released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Amdabad P.S. Case No. 130 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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