

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49551 of 2019**

Arising Out of PS. Case No.-31 Year-2019 Thana- MAHILA P.S. District-
Kaimur (Bhabua)

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ALAUDDIN ANSARI @ ALADDIN ANSARI Son of Nuruddin Ansari
Resident of Village-Dandwas, Police Station-Mohania, District-Kaimur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Rajesh Kumar Pathak, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 08-08-2019 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, 511/34 of the Indian Penal Code
registered in connection with Mahila (Bhabua) P.S. Case No. 31 of
2019, G.R. No. 775 of 2019.

3. It is submitted that the petitioner has been falsely
implicated and there is case and counter case between the
parties. The accusation under Section 376/511 IPC are
improbable and it has been stated in the F.I.R. itself that the
informant's mother was sleeping at some distance and her father
and uncle had returned home from *barat* in the night itself. There
is considerable delay in institution of the F.I.R. on 12.04.2019 for
the alleged occurrence of 06.04.2019. Reference is invited to the
order of the learned Additional Sessions Judge wherein it has
been noticed from the medical report of the informant that there
was no sign of rape and at best the provisions of Section 354 IPC
might be attracted. The petitioner claims clean antecedents.



4. 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 Sub-Divisional Judicial Magistrate, Bhabhua in connection with Mahila (Bhabua) P.S. Case No. 31 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following 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 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.

(iv) 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.

(Vikash Jain, J)

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