

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50339 of 2019

Arising Out of PS. Case No.-2 Year-2019 Thana- MAHILA P.S. District- Vaishali

Md. Nayim aged about 22 years (Male) S/O Md. Jalil Resident of Village-
Dih Buchauli, P.S.- Jandaha, District- Vaishali (Hajipur).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Pramod Mishra, Advocate
For the Opposite Party : Mr. Jitendra Kr. Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 13-08-2019 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, 323, 504 of the Indian Penal Code and Section 3/4 of the POCSO Act registered in connection with Mahila P.S. Case No. 02 of 2019.

3. It is submitted that the petitioner has been falsely implicated in a complaint-based FIR filed on 18.12.2018 and there is considerable delay of two months in institution of the FIR on 02.01.2019 for the alleged occurrence of 28.10.2018. The parties are co-villagers having previous enmity. It is submitted that as a matter of fact, there was love affair between the petitioner and the informant's daughter which was not accepted leading to institution of the present case. It is submitted that the informant's daughter is major and there is no material to the contrary in absence of any report to her examination before the learned Court below or the Medical Board. 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 Additional Sessions Judge, 1st-cum-Special Judge, Vaishali at Hajipur in connection with Mahila P.S. Case No. 02 of 2019, subject to the conditions as laid down under Section 438 (2) of the 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) 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.

(Vikash Jain, J)

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