

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50960 of 2019

Arising Out of PS. Case No.-334 Year-2019 Thana- MARHAURAH District- Saran

MD. KADIR @ KADIR MIYA @ MOHAMMAD KADIR MIYAN, Male, 20 years, Son of Md. Fiju Rahman @ Mefiju Rahman, Resident of Village - Awari, P.S.- Marhaura, District- Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 16-08-2019 Heard learned counsel for the petitioner and
learned counsel for the State.

In this case, the petitioner is seeking anticipatory bail in connection with Marhaura P.S. Case No. 334 of 2019, registered for the offence under Sections 376 and 511 of the Indian Penal Code.

Allegation has been made against the petitioner that he has caught hold the hand of the victim and tried to commit rape on her. When she raised alarm, the other family members came there and whereafter the petitioner fled away.

Learned counsel for the petitioner submits that the petitioner is a student and has wrongly been implicated in the present case. At the same the, the petitioner is neighbour of the



victim and the age of the petitioner is about 20 years.

Looking to the entire facts and circumstances of the case, let the above-named petitioner be released on provisional bail in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saran at Chapra, in connection with Marhaura P.S. Case no. 334 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure. This is also subject to the condition that the parents of the petitioner will file an affidavit before the Court below giving undertaking that the petitioner would not repeat such type of act in future. If such an affidavit is filed before the Court below, then the provisional bail of the petitioner will be confirmed. It is made clear that if the petitioner repeats such type of act in future, in such circumstance, the relief granted to the petitioner will be treated to have been withdrawn.

(Shivaji Pandey, J)

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