

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60333 of 2019**

Arising Out of PS. Case No.-511 Year-2018 Thana- LAXMIPUR District-
Jamui

- =====
1. MD. MUBARAK @ MD. MUSARATH @ MUBARAK HUSSAIN Son of Md. Yunus @ Yunus @ Md. Kurus Resident of Village - Kairakado, P.S.- Gidhaur, Distt - Jamui.
 2. Md. Kudus @ Md. Kusra @ Md Kutush Son of Md. Yunus @ Yunus @ Md. Kurus Resident of Village - Kairakado, P.S.- Gidhaur, Distt - Jamui.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioners : Mr. Sanjay Kumar Sharma, Advocate.
For the Opposite Party: Mr. Anand Mohan Prasad Mehta, APP

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 25-09-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 342, 376/34 of the Indian Penal Code registered in connection with Laxmipur (Gidhaur) P.S. Case No. 511 of 2018.

3. It is submitted that the petitioners have been falsely implicated in a complaint-based F.I.R. and in any event the thrust of accusation is against co-accused Md. Sahadat Hussain who is said to have committed rape upon the informant. It is submitted that as a matter of fact the informant was married to the accused no. 1 Md. Sahadat Hussain prior to filing of the complaint



showing the informant to be of 18 years in *Nikahnama* (Annexure-2) and so also as evident from the statement made before the learned Court below on 24.07.2019 in connection with A.B.P. No. 350 of 2019 showing the marriage dated 17.08.2018 of Md. Sahadat Hussaina and the informant (Annexure-3). It is therefore submitted that the ingredients of the offence under Section 376 IPC are not made out, much less against the petitioners. The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of Sri S.K. Singh, learned Judicial Magistrate Ist Class, Jamui in connection with Laxmipur (Gidhaur) P.S. Case No. 511 of 2018, 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 of each of the petitioners shall be their close relatives other than the petitioners herein.

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

(iii) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves



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 petitioners 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, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Ibrar//-

U		T	
---	--	---	--

