

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26939 of 2018

Arising Out of PS. Case No.-125 Year-2017 Thana- AWADPUR District- Katihar

Asraful @ Asraful Haque Son of Kasir Resident of Ziyar, P.S. Abadpur,
District Katihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.

For the Opposite Party/s : Mr. Braj Kishore Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 04-01-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is in custody since 06.08.2017, in connection with Abadpur P.S. Case No. 125/2017 corresponding to Sessions Trial No. 352/2017, registered for the offences punishable under Sections 448, 366, 376, 506 and 34 of the Indian Penal Code.

Earlier prayer for bail of the petitioner was rejected by this court vide order dated 09.11.2017 passed in Cr. Misc. No. 51884/2017, but since then out of 09 charge-sheeted witnesses only 03 witnesses have been examined and bailable warrant against the rest un-official witnesses and summon to doctor has been issued. It is further submitted that though the court has issued summon for attendance of rest of the witnesses, but the



trial is yet to be concluded.

Learned counsel for the petitioner submits that entire case is false and fabricated. This false case has been lodged on account of land dispute between the parties. The medical evidences also not reveal any sign of rape. It is further submitted that as and when required, the petitioner shall present himself and shall cooperate in the trial.

Considering the above-mentioned facts and circumstances and the fact that petitioner is in custody for more than a year, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Katihar in connection with Abadpur P.S. Case No. 125/2017 corresponding to Sessions Trial No. 352/2017, subject to the condition that one of the bailors shall be father of the petitioner.

(Anjana Mishra, J)

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