

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78246 of 2018

Arising Out of PS. Case No.-122 Year-2018 Thana- DAGARUA District- Purnia

Md. Imran, Son of Md. Mahmood, Resident of Village – Bhadara, P.S.
Dagarua, Distt.-Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Helal Ahmad

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 16-01-2019 Heard learned counsel for the parties.

Petitioner seeks bail in Special Case No.87 of 2018 arising out of Dagarua P.S. Case No.122 of 2018 registered for the offence punishable under Sections 363, 365, 376, 506/34 of the Indian Penal Code and Section 3/4 of the POSCO Act.

Allegation against the petitioner is to have committed rape upon the informant.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. It has been further submitted that the informant was in love with the petitioner and her parents were against the said relationship and wanted to marry her with other aged man. So the informant left her house and went to the petitioner to Delhi where they solemnized marriage as per Muslim Rights and Customs by



performing Nikah on 19.06.2018, a copy of which has been annexed as Annexure 3 series. In her statement under Section 164 Cr.P.C., the victim girl has given detail of occurrence which shows that she was taken to Dagarua and from Dagarua to Barauni and from Barauni to Delhi but in the entire journey she did not lodge any complaint with regard to her kidnapping. So the entire story has been made by the informant at the instance of her family members who were against the marriage of informant with the petitioner. Informant is alleged to have been abducted on 17.06.2018 but no FIR was instituted by her family members. Petitioner has no criminal antecedent and he is in custody since 12.10.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge (POSCO Act), Purnea in connection with Special Case No.87 of 2018 arising out of Dagarua P.S. Case No.122 of 2018, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond



shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Sanjay/-

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