

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79390 of 2018

Arising Out of PS. Case No.-70 Year-2018 Thana- MAHILA P.S. District- Araria

Haleem @ Md. Haleem Son of Mazeed Resident of Village- Kamro Chowk
Dighli, P. S.- Palasi, Dist.- Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Ziaul Quamar
For the Opposite Party/s : Mr.Sri Arun Kumar Singh -5

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 06-02-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in
connection with Araria Mahila P.S. Case No. 70 of 2018
registered for the offence punishable under Sections 376/34 of
the Indian Penal Code.

Informant has alleged that she is married lady and
when she came to her parental home, petitioner promised to
marry her and established physical relation and she became
pregnant thereafter refused to marry her and she has repeated
her statement under Section 164 of Cr.P.C.

It has been submitted on behalf of the petitioner that
he is also a married person and the allegations made are false
and concocted and no offence of rape is made out. There is no



allegation that petitioner committed any act against the will or consent of the informant. The relations even assumed to be correct are consensual. Petitioner has no criminal antecedent and he is in custody since 11.08.2018.

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/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Araria, in connection with Araria Mahila P.S. Case No. 70 of 2018 subject to the conditions that:-

(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 his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(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)

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