

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5785 of 2020

Arising Out of PS. Case No.-800 Year-2018 Thana- KHAGARIA District- Khagaria

MD. BABLU @ MD. IRSHAD, Son of Md. Rahmat @ Rahmat Ali, resident
of Mohalla-Jalkaura, P.S.-Gangaur, District-Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Adv.

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 24-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The matter has been taken up through virtual Court
proceeding.

The petitioner has preferred the present application for
grant of bail in a case registered for the offences punishable
under Sections 323, 307, 376 and 34 of the I.P.C.

Initially, the prosecution case got initiated with filing of
Complaint Case No.827C of 2018, which came to be registered
as police case, being Khagaria (Gangaur) P.S Case No.800 of
2018, after its being transferred under Section 156(3) of the
Code of Criminal Procedure to the police.

The prosecution as per the informant is to the effect that on
20.04.2018, the petitioner asked the informant to meet by calling



him on mobile phone, but the informant denied to meet with him. Thereafter, on 20.04.2018, the petitioner came at the shop of the informant situated at her house and threatened her to establish physical relationship otherwise her husband and children will be abducted and killed. It is alleged that since the husband of the informant was living outside the hometown to earn his livelihood, hence, on 25.04.2010 at 11.00 P.M., the petitioner ravished the informant on pistol point and thereafter he established forceful physical relationship with her several times, as a result, the victim got pregnant, then on 25.08.2018, the petitioner administered some medicine and got her pregnancy terminated.

It is submitted by learned counsel for the petitioner that for the alleged initial occurrence of 20.04.201 and 25.08.2018, the complaint was filed on 11.09.2018. There is no medical report on record to corroborate the accusation, but in the complaint petition, the complainant has stated that she was administered some medicine at her house, but the investigating officer has transmitted a report to the learned ADJ-I, Khagaria to the effect that the victim never produced any medical document in support of her claim. Though the informant claimed to have been treated in the hospital, but paragraph nos. 50 and 52 of the case diary reflect that when the investigating officer went to Sadar Hospital, Khagaria, he did not find any entry in the OPD



register suggesting the victim being treated or admitted in the hospital. In fact, the petitioner and the victim are vegetable vendors and they developed some intimacy with each other. The petitioner is languishing in custody since 31.08.2019 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the accusation is specific against the petitioner.

Considering the fact that the accusation being not corroborated by any medical opinion, delayed lodging of the case, investigation already being concluded coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Additional Sessions Judge-I, Khagaria, in connection with S. T. No. 326 of 2019.

However, in view of the present pandemic, COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to



become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Khagaria, in connection with S. T. No. 326 of 2019.

The learned Court below will further be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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