

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19011 of 2020**

Arising Out of PS. Case No.-416 Year-2019 Thana- SITAMARHI District- Sitamarhi

=====

Ahiya @ Aahiya Son of Adam @ Md. Adam Resident of Mohalla-Mehsaul
Got, Near Markaj Masjid, P.S.-Sitamarhi (Mehsaul), District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Ansar Ul Haque

=====

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3. 13-07-2020 Heard learned counsel for the petitioner as well as
learned A.P.P. for the State through video-conferencing.

This relates to grant of bail in Sitamarhi (Mehsaul)
P.S. Case No. 416 of 2019, registered for the offence under
Sections 341, 342, 376(D) and 34 of the Indian Penal Code.

The prosecution case, in brief, is that on 31st July,
2019 at about 11:30 PM, the informant alongwith his wife and
sister-in-law were travelling by auto-rickshaw, in the
meanwhile, petitioner alongwith two others came and forcibly
took away sister-in-law of informant in a nearby garage and
committed rape with her.

It is submitted on behalf of petitioner that petitioner is
innocent and has committed no offence. The victim, in her
statement recorded under Section 164 Cr.P.C., has not named



the petitioner. It is further submitted that victim herself had lodged a complaint, vide Complaint Case No. 1452 of 2019, against informant, alleging therein that informant was blackmailing her and he has forced her in flesh trade and asked her to lodge case against certain persons. It is further submitted that medical report does not suggest commission of rape. Moreover, some of the co-accused have already been granted bail by this Court, vide order dated 29-06-2020 passed in Cr. Misc. No. 87188 of 2019 alongwith Cr. Misc. No. 86819 of 2019 (Md. Faiyaj and Md. Gulam Rasul), vide order dated 28-11-2019 passed in Cr.Misc. No. 77521 of 2019 (Md. Shadab) and vide order dated 28-02-2020 passed in Cr.Misc. No. 75964 of 2019 (Md. Shan). Petitioner is in custody since 17-08-2019, having clean antecedent.

Considering the aforesaid facts and circumstances, the bail application is allowed.

Let the above-named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional District and Sessions Judge, Sitamarhi in connection with Sitamarhi (Mehsaul) P.S. Case No. 416 of 2019 on the following conditions:



“(1) Petitioner shall cooperate 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 on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J.)

anay

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

