

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25063 of 2020

In
CRIMINAL MISCELLANEOUS No.9313 of 2020

Arising Out of PS. Case No.-5 Year-2017 Thana- MAHILA P.S. District- Araria

=====

MINHAZ @ MINHAJUL ISLAM s/o Gayasul Islam, r/v-Rampur, Mohanpur,
ward no. 06, P.s. - Araria Bairgachi, District -Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Tej Pratap Singh

For the Opposite Party/s : Mr.A.G.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-09-2020 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

This application has been filed for modification of
order dated 15.07.2020 passed in Cr. Misc. No. 16016 of 2020
on the ground that on that date by mistake, supervision note of
D.I.G, Purnea Division (Annexure-3) and Medical Report of
victim (Annexure-4) was not brought to the notice of Hon'ble
court. It is further submitted that in para 2 of the order dated
15.07.2020, it is mentioned that F.I.R was lodged by Bhabhi of
petitioner, which is error of record.

In the aforesaid background counsel for petitioner
submitted that only with a view to put pressure on the petitioner



since the father and uncle of the informant were accused in Araria P.S. case No. 301/15 under Section 302 IPC and trial was going on, which was lodged by the Bhabhi of this petitioner for the murder of her husband (petitioner's brother), this false case has been lodged. It is further submitted that DIG, Purnea also in his supervision report dated 27.03.2017 (Annexure-3) doubted the veracity of the prosecution case and the circumstances in which the FIR was lodged. Moreover, the doctor who examined the victim did not find any sign of recent sexual intercourse (Annexure-4). Informant is an adult lady having three grown up children.

However, counsel for the State submits that informant has supported the prosecution case in her statement recorded under Section 164 Cr.P.C.

Considering the aforesaid facts and submission of the parties, supervision report and medical report and in the interest of justice, I find it proper to modify the order dated 15.07.2020. Hence, the order dated 15.07.2020 passed in Cr. Misc. No. 16016 of 2020 is modified, this modification application is accordingly, allowed.

Let the petitioner above-named, in the event of his arrest/surrender before the court below within a period of eight



weeks from the date of receipt/production of a copy of this order, is directed to 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 Sub-Divisional Judicial Magistrate, Araria in connection with Mahila P.S. Case No. 05 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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

