

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27931 of 2020

Arising Out of PS. Case No.-146 Year-2020 Thana- SARAIYA District- Muzaffarpur

MD. IBRAR S/o Tahir Hussain @ Md. Tahid Hussain Resident of Village-
Tola Turkauliya Madhaul, P.S.-Saraiya, District-Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Roy, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 04-11-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Mr. Ram Sumiran Roy, learned APP, is appearing as it is submitted that the brief has been allotted to him by the office of Advocate General. His name may also be printed in the cause list.

Heard learned counsel for the petitioner and learned APP for the State.

Learned counsel for the petitioner is expected to honor his



undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Saraiya P.S. Case no. 146 of 2020 instituted for the offence under Sections 376 and 511 of the Indian Penal Code. Charge sheet has been submitted under Section 354B of the Indian Penal Code.

The prosecution case is that the petitioner has attempted to commit rape upon the informant.

It is submitted by the petitioner's counsel that having no criminal antecedents, the petitioner is in custody since 07.03.2020. Charge sheet has been submitted after conclusion of investigation under Section 354B of the Indian Penal Code. The falsity of the allegation is evident from the fact that in respect of an occurrence allegedly committed on 04.03.2020; F.I.R. has been lodged by the victim on 06.03.2020. The prosecution case is based on pre existing quarrel between the informant and the petitioner for destroying of some crops by goat of the informant, on account of which, the instant false case has been lodged by the informant.

The learned APP has opposed the prayer for bail by submitting that even from the F.I.R. and investigation, no rape



has been committed on the woman.

Considering the aforesaid, let the petitioner, above named, be released 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 A.C.J.M. 1st (West) Muzaffarpur, in connection with Saraiya P.S. Case no. 146 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled

(Madhuresh Prasad, J)

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