

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34040 of 2019

Arising Out of PS. Case No.-178 Year-2018 Thana- KASBA District- Purnia

Md. Hasibur Son of Md. Manner Resident of village- Garghat, Police Station- Kasba, District- Purnea.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhanshu Shekhar

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 18-02-2020 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends his arrest in **Kasba P.S. Case No. 178 of 2018**, registered for the offence punishable under Sections 341, 342, 323, 313, 504, 506 and 34 of the Indian Penal Code.

As per prosecution case, the petitioner along with two other unknown persons confined the informant with bad intention. The accused persons tried to outrage her modesty and the petitioner assaulted with leg on the abdomen of the informant, as a result of which, her pregnancy aborted.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case due to enmity. Two days prior to this incident, Md. Sattar, who is uncle



of the petitioner lodged case bearing Kasba P.S. Case No. 175 of 2018 under Section 376/34 of the Indian Penal Code. There is no medical report regarding termination of pregnancy or any injury is available on the record. Section 313 of the IPC is not made out and petitioner has got clean antecedent. Moreover, both the parties have filed a compromise petition before the court below and the dispute has already been resolved between them.

Considering the facts aforesaid, the petitioner above-named in the event of his arrest/surrender before the court below within a period of six 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 **Chief Judicial Magistrate, Purnea** in connection with **Kasba P.S. Case No. 178 of 2018**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

(i) The petitioner shall co-operate 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 in the event of failure on two consecutive dates



without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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