

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86365 of 2019

Arising Out of PS. Case No.-38 Year-2019 Thana- KUMAR KHAND District- Madhepura

MD. RAHMAN Son of Late Md. Rasul Resident of Village - Rahta, Ward No. 07, P.S. - Kumarkhand, District- Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-01-2020 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner in the present case is seeking regular bail in connection with Kumarkhand P.S. Case No. 38 of 2019 registered under Sections 302, 201, 376(D)/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that with reference to the materials noticed in the impugned order by the learned Sessions Judge with an observation that in course of inquiry the S.D.P.O. has recorded in paragraph '39' that the petitioner being old person does not appear to be involved in this case. Learned counsel submits that no sign of rape has been found on the dead body of the daughter of the informant and the petitioner has been named



in this case on mere suspicion, he has got no criminal antecedent and is in custody since 01.07.2019.

Learned A.P.P. for the State has opposed the prayer for bail.

Considering the facts and circumstances of the case wherein learned counsel for the petitioner submits with reference to the materials noticed in the impugned order by the learned Sessions Judge with an observation that in course of inquiry the S.D.P.O. has recorded in paragraph '39' that the petitioner being old person does not appear to be involved in this case and further submission of learned counsel for the petitioner that no sign of rape has been found on the dead body of the daughter of the informant and the petitioner has been named in this case on mere suspicion, he is an old aged person and is in custody since 01.07.2019, let the above-named petitioner be released on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Madhepura, in connection with Kumarkhand P.S. Case No. 38 of 2019, subject to the condition as laid



down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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