

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15102 of 2021**

Arising Out of PS. Case No.-19 Year-2020 Thana- MAHILA PS District- Jehanabad

Md. Amir @ Barey, S/o Mohammad Habib, R/o village - Shekh Alam Chak,
P.S. - Jehanabad, Dist. - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rina Sinha, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

5 07-10-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in Jehanabad (Mahila) P.S. Case
No.19 of 2020, registered for the offences punishable under
Sections 376(D), 377 and 34 of the Indian Penal Code.

The informant alleged that the petitioner and other
accused persons took her away and raped her.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. The
petitioner has committed no offence. There is no eye witness of
the occurrence. It is further submitted that the statement of the
victim was recorded under Section 164 Cr.P.C. in which the
victim has not taken the name of the petitioner though in the
FIR, the name of the petitioner is mentioned. The petitioner is in



custody since 24.08.2020 and the petitioner has got no criminal antecedent as stated in paragraph-3 of the bail petition.

Having considered the fact that the victim in her statement recorded under Section 164 Cr.P.C. has not taken the name of the petitioner, let petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Jehanabad in connection with Jehanabad (Mahila) P.S. Case No.19 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. He 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 and every date fixed in the case and if he fails to do so on two consecutive dates, his bail bonds shall be liable to the cancelled.

(iii) That the petitioner will mark his attendance in the local police station in the first week of every month till conclusion of the trial, failing which the prosecution will be at



liberty to move for cancellation of his bail bond.

(iv) That the bailors shall also state on affidavit that he will inform the court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(Anjani Kumar Sharan, J)

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