

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34824 of 2021

Arising Out of PS. Case No.-145 Year-2020 Thana- PIRBAHOR District- Patna

Md. Irshad S/o Mohammad Mustfa R/O Bihari Saw Lane, P.O. - Bankipore,
P.S. - Pirbahore, District - Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishal Saurabh

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 21-10-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Pirbahore P.S. Case No. 145 of 2020, registered for the offence under Sections 342, 376, 506, 504/34 of the Indian Penal Code and Sections 3, 4, 5, 6 of Immoral Traffic Prevention Act.

It is submitted on behalf of petitioner that the alleged date of occurrence is 08.01.2020, but the F.I.R. has been lodged belatedly on 08.03.2020 and there is no explanation for delay. It is further submitted that the victim was examined under Section 164 Cr.P.C. wherein she has not alleged anything against this petitioner, rather she has alleged that on 08.01.2020, co-accused Ruby Kumari (wife of petitioner), after giving her intoxicated medicine, got her (victim) raped by one Babar and thereafter, her husband. Co-accused Ruby Kumari has already been granted bail by this Court, vide order dated 15.05.2020 passed in Cr.Misc. No. 19094 of 2020. The victim girl has disclosed her



age as 18 years. Petitioner is in custody since 18.01.2021.
Chargesheet has already been submitted.

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

In view of statement of the victim girl recorded under
Section 164 Cr.P.C., the bail petition of petitioner is allowed.
Let the above named petitioner 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 learned Judicial
Magistrate 1st Class, Patna in connection with Pirbahore P.S.
Case No. 145 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial
and shall be properly represented on each and
every date fixed by the court below and shall
remain physically present, as directed by the
court below, and on his absence on two
consecutive dates without sufficient reason, his
bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the
evidence or the witnesses, in that case, the
prosecution will be at liberty to move for
cancellation of bail.”

(Prabhat Kumar Singh, J.)

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