

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7229 of 2021**

Arising Out of PS. Case No.-35 Year-2020 Thana- RAUTARA District- Katihar

MD JAMAL S/O LATE MD SAIFUDDIN Resident Of Mohalla- Hathiya
Diyara Brahmchari, P. S. - Rautara, District - Katihar.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 29-04-2021 Learned Counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

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

The petitioner in the present case is seeking regular bail in connection with Rautara P.S. Case No. 35/2020 registered for the offences punishable under Sections 307 and 376/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the son of the petitioner is alleged to have established physical relationship with the victim lady on the promise of marrying her but the son of the petitioner performed marriage with another woman. It is alleged that when the victim lady protested then the



petitioner and his son called the victim lady in the field and tried to drag her by putting Gamcha around her neck, resulting she became unconscious and is getting treatment in the hospital.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that the daughter of the informant is a married lady and she in her statement under Section 164 Cr.P.C. has categorically stated that when a co-villager had seen her indulging in the relationship with the son of this petitioner in the field, the son of the petitioner promised her to marry and a panchayati had taken place in that connection, but thereafter son of the petitioner married to another women, whereafter there had been a quarrel between the two and the brother of the victim lady had left her in the house of Md. Arif where all the family members of Md. Arif assaulted her. It is further submitted that the petitioner is in custody since 21.10.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that so far as this petitioner is concerned, he happens to be the father of Md. Arif with whom the daughter of the



informant had been in relationship as alleged, the daughter of the informant was a married lady aged about 20 years and in her 164 Cr.P.C. statement she has categorically stated that a co-villager had seen her indulging in the relationship with the son of this petitioner in the field whereafter the son of the petitioner promised her to marry and a panchayati had taken place in that connection, but thereafter son of the petitioner married to another women, whereafter there had been a quarrel between the two and the brother of the victim lady had left her in the house of Md. Arif, the submission is that the only allegation which has come in 164 Cr.P.C. statement of the victim girl is that when she was left in the house of Md. Arif by her brother, all the family members of Md. Arif assaulted her, in the nature of the submissions and the materials placed before this Court, there being no allegation by the victim girl that this petitioner had in any way helped his son in committing rape upon the victim, the petitioner having remained in jail in connection with the present case since 20.10.2020, investigation against him is complete and his further incarceration is not likely to come in aid of the investigation or prosecution and there being no submission of the State that his release at this stage is likely to result in tampering with the evidence or interfering with the course of



trial, this Court directs release of the petitioner above named on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Katihar, in connection with Rautara P.S. Case No.35/2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail



bonds in terms of the above-mentioned order shall not be
delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

