

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 9077 of 2021**

Arising Out of PS. Case No.-166 Year-2020 Thana- RIGA District- Sitamarhi

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SHAHJAD ANSARI @ SHAMSHAD SON OF BHIKHARI ANSARI R/O
VILLAGE- GIRMISANI, P.S.- PUNAURA, DIST.- SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr Rajesh Kumar, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 10-08-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner and the
learned Additional Public Prosecutor (for brevity, *APP*)
appearing for the State of Bihar.

The petitioner seeks bail in Riga Police Station (for
brevity, *PS*) Case No 166 of 2020 dated 13.06.2020 instituted
for the offence punishable under Sections 457, 354B of Indian
Penal Code.

The instant petitioner has allegedly attempted to rape
the victim. First Information Report alleges that on a cry being
raised, several persons of the locality have gathered and they are
witnesses to the occurrence. This Court, therefore, called for the



case diary earlier.

Learned APP, referring to paragraphs 7, 8, 22 and 23 of case diary, submits that the brother and other witnesses have come to the place of occurrence and they were informed about the occurrence.

Learned counsel for the petitioner submits that paragraphs 8, 22 and 23 of case diary are evidence of the fact that these three persons have arrived after the occurrence and have acquired knowledge of the occurrence on being informed by the informant and they cannot be said to be independent witnesses to the occurrence. The petitioner has remained in custody since 13.06.2020 and that the case is one of false implication. The petitioner has also no criminal antecedent.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, First Class, Sitamarhi in connection with Riga PS Case No 166 of 2020 dated 13.06.2020 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. The bailor 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 date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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