

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16159 of 2021**

Arising Out of PS. Case No.-1097 Year-2013 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Md. Isrul Md. Islam Resident of Chhapraili, P.S.- Amour, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Nusrat D/o- Md. Sayak Resident of Chhapraili, P.S.- Amour, District-
Purnea.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

For the Opposite Party/s : Mr. A.G

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

8 25-01-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in Virtual Court

proceeding.

Let the defects, as pointed out by the office, be

removed within four weeks of start of normal functioning of the

physical court.

Petitioner seeks bail in connection with Purnea

Complaint Case No. 1097 of 2013 registered for the offences

punishable under Sections 366, 376 and 34 of the Indian Penal

Code.

According to prosecution case, the petitioner came at

the house of the complainant and finding her alone dragged her

on the bed and committed rape with her. When the complainant



started weeping, the petitioner promised marry her. The complainant asked the petitioner many times for marriage but the petitioner avoided it by giving excuses but the petitioner continued to make physical relation with the complainant and ultimately the complainant gave birth to a male child who died after three days of birth. Later, a Panchayati was held in the village in which the matter was settled with condition that the petitioner will pay a total Rs.75000/- and out of Rs. 75000/- he gave Rs. 50,000/- to the Panches but the complainant refused to accept the money and requested for her marriage with the petitioner. The petitioner refused to marry with the complainant.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case.

Vide order dated 24.06.2021 and 10.09.2021 notices has been issued to the opposite party no.2 but till today no one appear on behalf of the opposite party no.2.

Vide order dated 06.12.2021 a report was called with regard to the stage of trial and report has come which reveal that charges were framed on 19.02.2021 against the petitioner but no evidence is produced by the prosecution till date and summons have been issued on 03.12.2021 to all three complaint witnesses



and learned A.P.P. got seen the record and directed to produce the evidence.

Learned counsel for the petitioner submits that it appears from the record that the complainant has lost the interest. He further submits that it appears from the report from the court concerned that in the near future the trial is not concluded. Petitioner is in custody since 13.09.2020.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, 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 the learned Judicial Magistrate 1st Class, Purnea in connection with Purnea Complaint Case No. 1097 of 2013, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court 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.

3. 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.

(Rajesh Kumar Verma, J)

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