

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16570 of 2021

Arising Out of PS. Case No.-117 Year-2020 Thana- KASBA District- Purnia

MONAJIR @ MD. MONAZIR ALAM Son of Md. Mahmood Aloam @
Mahbub @ Mohmood Resident of Dumri Lakha, P.S.- Kasba, District-
Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Fazle Karim

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 07-01-2022 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Kasba P.S. Case No. 117 of 2020
instituted for the offences under Sections 323, 341, 348,
376, 504, 506 and 34 of the Indian Penal Code.

The accusation in the F.I.R. is of the petitioner
and another having tried to rape the victim. The informant /
victim is the own aunt of the petitioner.

It has been submitted on behalf of the petitioner
that his father and the husband of the informant had
purchased a plot of land over which construction process had



begun at the instance of the informant. Because of the informant raising construction from the road side, an objection was raised by the father of the petitioner. Precisely, this is the reason for the informant in implicating the petitioner in the present case. It has also been submitted that the informant is a Ward Member and the accusation like this does not appear to be correct. The occurrence took place on 28.08.2020 but the F.I.R. has been lodged after nine days i.e. on 06.09.2020.

Some of the other accused persons of this have been granted bail by the court below.

Apart from this, it has been submitted that the police after investigation, did not find the case true so far the accusation of rape is concerned and sent up the petitioner for offences under Sections 341, 323, 448, 504 and 506 of the Indian Penal Code only.

The learned counsel for the petitioner does not have any idea whether the court below has differed with the police report or has accepted the same.

However, considering the afore-noted facts, the



petitioner, above named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, in connection with Kasba P.S. Case No. 117 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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