

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10641 of 2022

Arising Out of PS. Case No.-31 Year-2021 Thana- MAHILA P.S. District- Nawada

Atabul Kuraishi @ Albul Quraishi @ATAVL Quraishi Son Of Balid Quraishi
Resident Of Village- Narhat, P.S.- Narhat, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Prakash Sharma
For the Opposite Party/s : Mr. Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 376, 504, 506 of the Indian
Penal Code.

According to prosecution case is that the informant
namely Khushboo Praveen lodged a complaint against the
present petitioner along with other accused persons alleging
therein that on 07.06.2021 the date was fixed for her “Nikah”
(marriage) with Atabul Quraishi (petitioner) but at the instance
of his parents, petitioner fled away and a month before from the



said date, petitioner use to visit the house of informant, insisted her to solemnized Nikah before the day earlier fixed and in this way both the informant and petitioner came to close contact and taking advantage of such close contact, petitioner established the physical sexual relation with the informant continuously for 10 days. It has further been alleged that, when the petitioner was at the house of informant during this period, the uncle of the petitioner namely Bholu Quraishi call back the petitioner and solemnized her Mangni (marriage) with another girl and when the father of informant went at Narhat (Residence) of the petitioner, then the accused persons abused them and told that they are in habit to do such incident and the petitioner threatened the informant on mobile that the “Najo and Bholu” are with him and he will kill the informant.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from perusal of the F.I.R. as well as statement under Section 164 Cr.P.C. of the victim it appears that the physical relation was established with consent of the victim and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 04.10.2021.



The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Nawada Mahila P.S. Case No. 31 of 2021, 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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