

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33602 of 2021

Arising Out of PS. Case No.-87 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

Saudagar Quraishi @ Aftab Quraishi @ Saidagar Quraishi Son of Late Asgar Kureshi Resident of Village - Bhabhua, Ward No.16, P.S.- Bhabhua, Distt.- Kaimur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pawan Kumar Singh
For the Opposite Party/s	:	Ms. Anita Kumari, Advocate
For the Informant	:	Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-02-2022 Heard learned counsel for the petitioner as well as learned counsel for the Informant and learned Additional Public Prosecutor for the State.

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 Mahila P.S. Case No. 87 of 2020 registered for the offences punishable under Sections 376, 420 of the Indian Penal Code.

According to prosecution case, one Sahina Khatun gave her statement before S.H.O., Mahila P.S. Kaimur stating therein that accused-petitioner Saudagar Quraishi @ Aftab Quraishi had been physically and sexually exploiting her since



2015 on pretext of marry and an agreement was prepared between them for court marriage scheduled to be held on 20.10.2020 and when she asked the petitioner to marry her, he refused to marry her and his family members also refused to marry with the petitioner.

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. He further submits that as per F.I.R. the allegation against the petitioner is that he has physical relation with the informant with consent. He further submits that it appears from the case diary that the informant refused to get examined before the Medical Board. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 19.11.2020.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail but fairly submits that there is direct allegation for committing rape against the petitioner.

Considering the aforesaid facts and circumstances, 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 S.D.J.M.,
Kaimur at Bhabhua in connection with Mahila P.S. Case No. 87
of 2020, 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)

mdrashid/-

U		T	
---	--	---	--

