

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43266 of 2021**

Arising Out of PS. Case No.-39 Year-2020 Thana- MAHILA P.S. District- Samastipur

Md. Ehsan, aged about 23 years (male), S/o Abdul Kareem Resident of
Village - Khetapur, P.S. - Sarairanjan, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Adv.

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

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

3 22-02-2022 Heard learned counsel for the petitioner 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. 39 of 2020 registered for the offences punishable under Sections 34, 376, 504 and 506 of the Indian Penal Code.

The prosecution story, in short, is that the victim girl on 6th September, 2019 had gone to her sister's home in the village Khetapur where Md. Ehsan, the petitioner, used to say that he will marry with her and, on that pretext, he established physical relation with the victim girl and, thereafter, Md. Ehsan went to Delhi for his livelihood. When he returned to the village



Khetapur, he refused to marriage with the Informant.

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 it appears from the F.I.R. that the date of alleged occurrence was 8th and 10th of September, 2019 but, the F.I.R. was instituted on 22.06.2020 i.e. after lapse of eight months of the occurrence. He further submits that it appears from the allegation that the same was consented and the police after investigation submitted charge-sheet against the petitioner. He further submits that the petitioner is languishing in judicial custody since 08.02.2021.

Learned Additional Public Prosecutor has vehemently opposed the prayer for bail but, fairly submits that petitioner carries no criminal antecedent.

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 Judicial Magistrate, Samastipur in connection with Mahila P.S. Case No. 39 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)

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