

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38310 of 2022

Arising Out of PS. Case No.-90 Year-2021 Thana- ANDHRATHARHI District- Madhubani

Md. Aslam Ali @ Shafik @ Shakik Son Of Md. Mustakim R/O Village-
Giderganj, P.S.- Andhrathandhi, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Adv. with Mr. Bhavesh Kumar Sah, Adv.
For the Opposite Party/s	:	Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Andhrathadhi P.S. Case No. 90 of 2021 lodged under Sections
376, 420, 313, 504, 506 of the I.P.C.

As per the prosecution case, the allegation against the
petitioner is that he has raped a lady cook in the school. It has
been alleged that she used to visit at the house of the petitioner
upon pregnancy, the petitioner provided medicine to her which
resulted to her abortion. There was a continuous threat upon the
informant to kill and elope her dead body.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that he was school teacher since long and there was no allegation at any early occasion. He further submits that statement of alleged victim takes place under Section 164 Cr.P.C. in which she has having 15 years child. Learned counsel for the petitioner submits that it is a case of consensual sexual relation between 2 adult and definitely not a case of rape. He further submits that petitioner is in custody since 17.05.2022 having clean antecedent, charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Jhanjharpur in connection with Andhrathadhi P.S. Case No. 90 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall

appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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