

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37488 of 2022

Arising Out of PS. Case No.-176 Year-2021 Thana- PHULWARIA District- Begusarai

Md. Chotu @ Md. Hasim @ Md. Hashim Son of Md. Israfil, Resident of
Village - Ward No.- 6 Rajdev Tola, Baro, P.S.- Barauni (Grahra), District -
Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mrs. Mehrun Nisan Wife of Usman, Resident of Ward No.- 13 Chak Hakim
Tola, Baro, P.S.- Phulwaria, District - Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abul Kalam, Adv.
For the Opposite Party/s	:	Mr. Vinod Shanker Modi, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-09-2022 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
Phulwaria P.S. Case No. 176 of 2021, lodged under Sections
366(A), 504, 506/34 of the Indian Penal Code.

As per the prosecution case, the allegation of
kidnapping and rape are there in the F.I.R.

Learned counsel for the petitioner submits that entire
F.I.R. is out and out false and not correct. He further submits
that the alleged victim girl was recovered and produced before

the Court where she has recorded her statement under Section 164 of Cr.P.C. He further submits that the aforesaid statement was acknowledged in the order sheet by the learned Additional Sessions Judge-8th, Begusarai, in which it has been disclosed that the alleged victim is major and she has produced document by which it transpires that she had married to Islamic Sharia. He further submits that in the statement recorded under Section 164 Cr.P.C. she had disclosed, that she want to live with her husband and not with the mother, it is also come that she was in judicial custody since 24.03.2022. He further submits that petitioner is innocent and is in judicial custody since 24.03.2022, charge sheet has already been filed in this case. On the point of criminal antecedent, learned counsel for the petitioner submits that one criminal case is pending against him which is of different nature.

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 Additional Chief Judicial Magistrate-

1, Begusarai in connection with Phulwaria P.S. Case No. 176 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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