

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44008 of 2022

Arising Out of PS. Case No.-72 Year-2019 Thana- MAHILA P.S District- Supaul

MUSTAFA ALAM @ CHOTAN @ MD. MUSTAFA Son of Rakib Khan
Resident of Village - Thadhi Bhabanipur, Police Station- Pipra, District -
Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abdul Mannan, Adv.

Mr. Binay Kumar, Adv.

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 28-09-2022

Heard the parties.

Petitioner is an accused in connection with Supaul Mahila PS Case No. 72/2019 registered for the offences punishable under Sections 341, 342, 448, 376, 354B, 354D, 323, 504, 506, 509/34 IPC and Section 3/4 of the Dowry Prohibition Act. He has renewed his prayer for bail inasmuch as earlier bail application of the petitioner was dismissed *vide* order dated 11.11.2020 passed in Cr. Misc. No. 23810/2020 with an observation that the petitioner may renew his prayer for bail after one year, if the trial does not show any progress.

Allegation as per FIR is that the petitioner established physical relationship on the promise of marriage and after showing objectionable photographs of the victim girl.



Learned counsel for the petitioner submits that the trial has not progressed substantially since last rejection of the bail application of the petitioner and the petitioner has remained in custody since 23.01.2020. He further submits that the petitioner shall co-operate with the trial and shall not abscond or tamper with the evidence and be present on each and every date during course of trial.

This Court *vide* its order dated 24.08.2022 had called for a report and in pursuance thereof, the learned trial court has submitted its report dated 16.09.2022 and from perusal of the same, it appears that out of eight charge-sheet witnesses, four of them have been examined.

Regards being had to the submissions made by the parties, taking into consideration period of custody and the fact that this is the second attempt for bail on behalf of the petitioner, there is no likelihood that the petitioner will abscond or tamper with the evidences, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, namely, named above, be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge 1st -cum-Special



Judge, Supaul in connection with Mahila Supaul PS Case No. 72/2019, subject to the condition that the petitioner will be well represented on each and every date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

(Anil Kumar Sinha, J)

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