

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59171 of 2021

Arising Out of PS. Case No.-5 Year-2020 Thana- MAHILA P.S. District- Purnia

Md. Sarfaraj Son of Md. Ekram Resident of Khilkarmani, P.S.- Dagarua,
Districty- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 376 of the Indian Penal Code.

As per prosecution case, it has been alleged by the informant Chandni that the petitioner used to come to his fuferi sister's house due to which she acquainted with him. On 17.11.2019 the petitioner called her through mobile to come near school for some urgent talk and when she went there the petitioner committed rape with her on the point of dagger.

Learned counsel for the petitioner submits that the



petitioner has clean antecedents and he has been falsely implicated in the present case on mere suspicion. He further submits that it appears from the F.I.R. that the alleged date of occurrence as mentioned in the F.I.R is 17.11.2019 and the present F.I.R. was instituted on 16.02.2020 after delay of about three months without any explanation of delay. He further submits that in fact the petitioner and the victim was in love and the victim as a pressure tactic this false case has been instituted only for marriage purpose. Further submits that police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 04.11.2020.

Learned APP for the State vehemently has opposed the prayer for bail of the petitioner and submits that the statement of the victim girl was recorded under Section 164 of the Cr. P.C. in which she confirms the allegation as alleged in the F.I.R..

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Mahila P.S. Case No. 05 of 2020, with 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 witness, 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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