

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63507 of 2021

Arising Out of PS. Case No.-36 Year-2020 Thana- MAHILA P.S. District- Kaimur (Bhabua)

NURE AALAM @ NURE AALAM ANSARI Son of Yatim Ansari Resident
of village - Kuddin , P.S.- Chand, Distt.- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan
For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 28-09-2022 The present matter has been notified today under the heading “To Be Mentioned” for hearing on the basis of motion slip filed on behalf of the petitioner.

Supplementary affidavit as well as counter affidavit has been filed on behalf of the petitioner and informant. Let it be kept on record.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Mahila(Bhabua) P.S. Case No. 36 of 2020, registered for the offences punishable under Section 341, 323, 354, 376, 337, 504, 34 of the IPC and 4 D.P. Act.



As per prosecution case, there is accusation against the petitioner that he made illicit relation with the informant on the pretext of marriage.

Learned counsel for the petitioner submits that petitioner is in custody since 26.07.2021 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is stated to be aged about 25 years and on the other hand informant is about 29 years and when the parent of the petitioner denied for performing the marriage then this case was lodged. He also submits that he has filed supplementary affidavit that the petitioner married with informant and informant has also filed counter affidavit mentioning that both parties have married and both are willing to reside as husband and wife.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into



consideration the material available on record, 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 Chief Judicial Magistrate, Kaimur at Bhabua in connection with Mahila(Bhabua) P.S. Case No. 36 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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