

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64040 of 2021

Arising Out of PS. Case No.-122 Year-2021 Thana- JALALGARH District- Purnia

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Jasim @ Md. Jasim Ahmed, Son of Md. Nasim, Resident of Village - Adharg,
P.S.- Jalalgarh, Distt.- Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

For the Informant : Mr. Saurav Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 16-05-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and Mr. Akhileshwar Dayal, learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Jalalgarh P.S. Case No. 122 of 2021
registered for the offences punishable under Sections 341, 323,
504, 506, 376 and 34 of the Indian Penal Code. He is in custody
since 12.08.2021 having no criminal antecedent as stated in
paragraph '3' of the application.

As per the prosecution story, the victim who is 23
years old was taking water at her hand-pump at about 8:30 P.M.
on 27.04.2021, this petitioner came from behind caught hold of
her and threatened her to kill if she would cry. It is alleged that
the petitioner caught hold of her both hands and took her to the



nearby bushes where, against the consent of the victim, he committed rape on her. The informant claims that when she started weeping the petitioner told her not to inform these things to anybody as he would marry her. The petitioner is said to have fled away thereafter.

The informant says that after reaching home she disclosed this occurrence to her mother and Bhabhi. They called her uncle Mahmood and told the entire story. Mahmood took her along with her Bhabhi to the house of this petitioner but he was not found there. It is alleged that the family members of the petitioner abused the uncle of the informant whereafter a panchayati was held and in the panchayati the family members of the petitioner said that even if she would spend Rupees Ten Lakhs, the petitioner would not marry her.

Learned counsel for the petitioner submits that it is a case of false implication of the petitioner who is in distant relationship brother of the informant and the informant herself states in her statement under Section 161 Cr.P.C. that she was in love with this petitioner.

Learned counsel further submits that this F.I.R. has been lodged after three months of the alleged occurrence, whereas according to the informant she has disclosed this



occurrence to her mother and Bhabhi and the panchyati was held there with regard to this occurrence and to persuade this petitioner to marry the victim. The delay of three months, according to learned counsel for the petitioner, is an inordinate delay and if it is seen in the light of the age of the informant and the relationship, it would appear that the case has been concocted only because the family of the petitioner did not agree to marry with informant who was looking to marry with the petitioner.

On the other hand, learned A.P.P. for the State and learned counsel for the informant have opposed the prayer for bail of the petitioner. Learned counsel for the informant submits that the informant has supported her case in her statement under Section 164 Cr.P.C. which was recorded one day after her statement made under Section 161 Cr.P.C.

Having regard to the submissions noted hereinabove and the materials particularly the delay of three months in lodging of the F.I.R., the relationship between the petitioner and the informant and then her statement under Section 161 Cr.P.C. one day before her statement under Section 164 Cr.P.C. in which she admits her love affair with the petitioner, in the opinion of this Court, the petitioner, who has remained in jail since



12.08.2021 and whose presence may also be secured in course of trial, deserves the privilege of bail, therefore, this Court directs release of the petitioner above-named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Purnea in connection with Jalalgarh P.S. Case No. 122 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

This application stands allowed.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

