

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13857 of 2023

Arising Out of PS. Case No.-103 Year-2022 Thana- ALINAGAR District- Darbhanga

MD. SANAULLAH Son of Md. Musa R/V- Dhamsain, P.S- Ali Nagar, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Zeyaul Hoda, Adv.

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-07-2023 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 11.10.2022 in connection with Alinagar P.S. Case No.103/2022, dated 10.10.2022, for the offences punishable under Sections 376, 406, 354(B), 447, 323, 379, 504 & 34 of the IPC.

3. According to prosecution case, the petitioner is alleged to have committed rape upon the informant on the pretext of marriage.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the FIR.



He further submits that in fact the informant is a married lady, having four children and as per allegation in the F.I.R. on the false pretext of marriage, the petitioner has committed rape upon the informant. He further submits that when the informant herself is a married lady then how someone else pretext to marry with her. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 11.10.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that the allegation as alleged in the F.I.R. is supported by the statement of the informant, which was recorded under Section 164 of the Cr.P.C.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- II, Benipur, Darbhanga in connection with Alinagar P.S. Case No.103/2022, subject to 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 witnesses, 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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