

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15919 of 2023

Arising Out of PS. Case No.-23 Year-2022 Thana- DHURAIYA District- Banka

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Azam Ansari, Son of Haider Ansari, Resident of village - Khorimore, P.S.-
Bhanduwakurara, District – Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar @Deepak Sahay, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 26-04-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Dhoraiya

P.S. Case No. 23 of 2022 registered for the offence under

Section 376 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in

custody since 18.02.2022.

The allegation against the petitioner is to commit rape

upon the informant/victim, on false pretext of marriage.

Learned counsel appearing on behalf of the petitioner



submitted that despite of direction of this Court vide order dated 11.08.2022 not a single witness was examined by the Trial Court, where petitioner is in custody since 18.02.2022. It is submitted that certainly in want of trial, petitioner cannot be kept in jail for indefinite period of time.

It appears from the report of learned Additional District & Sessions Judge-I, Banka, dated 31.03.2023, that matter was fixed for evidence first time on 13.04.2023.

Considering the above, as trial is not likely to conclude in near future, let the petitioner, above named, is directed to be released on bail in connection with Dhoraiya P.S. Case No. 23 of 2022 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, Banka/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions:-

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.



(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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