

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28407 of 2023**

Arising Out of PS. Case No.-96 Year-2022 Thana- SANHAULA District- Bhagalpur

MD. ISHAHAK @ MD. ISHAQUE Son of Late Sekh Mumtaz R/V-
Bhikhanchak, P.O and P.S- Sanhoula, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Adv.

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 21-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sanhoulla
P.S. Case No. 96 of 2022 registered for the offence under Sections
376 of the Indian Penal Code.

The petitioner is alleged to have committed rape upon
the informant.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this 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. He further submits
that it appears from the F.I.R that the victim in her statement
under Section 161 Cr.PC. has stated that she went to the



petitioner for her treatment and in her statement under Section 164 Cr.P.C. stated that she went with her three children for their treatment which shows the contradiction in the statements of the victim and creates doubt over the prosecution version. He further submits that as matter of fact husband of the informant found guilty in one case before filing of the present case for which the petitioner has filed a case against him and in that background, this false case has been lodged by the informant. He further submits that the victim was medically examined on 25.08.2022 soon after the alleged occurrence but the doctor has not found any sign of rape or any physical assault on the person of the victim. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 25.08.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned A.C.J.M.-XI, Bhagalpur in connection with Sanhaulla P.S. Case No. 96 of 2022 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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)

brajesh/-

U		T	
---	--	---	--

