

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44985 of 2023

Arising Out of PS. Case No.-137 Year-2023 Thana- SIKTI District- Araria

Md. Jamil Son of Md. Sahrul @ Md. Sehrul Resident of village - Singhiya,
Sindhiya, P.S.- Sikty, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Senior Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-09-2023 Heard Mr. N.K. Agrawal, learned senior counsel for
the petitioner and learned Additional Public Prosecutor for the
State.

2. Petitioner seeks bail who is in custody since
10.05.2023 in connection with Sikty P.S. Case No. 137 of 2023,
F.I.R. dated 08.05.2023 for the offences punishable under
Sections 376, 458 and 506 of the Indian Penal Code.

3. According to prosecution case, this petitioner
entered into the house of the informant and on the point of knife
he committed rape upon her and also threatened her for dire
consequences if she disclosed this incident with anyone.

4. Learned counsel for the petitioner submits that
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 offences as alleged in the F.I.R. He further submits that the date of occurrence as alleged in the F.I.R. was 04.05.2023 but the present F.I.R. was instituted on 08.05.2023 i.e. after delay of 4 days without giving any explanation of the said delay. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 10.05.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her but fairly submits that the allegation as alleged in the F.I.R. against the petitioner was absurd and improbable. He further submits that the victim has supported the case of the prosecution.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of charge** and on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Sikty P.S. Case No. 137 of 2023, subject to the



following conditions:-

i. 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.

ii. 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.

iii. 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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