

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46599 of 2023

Arising Out of PS. Case No.-42 Year-2023 Thana- MADANPUR District- Aurangabad

Safi Ahmad @ Saif Ahmad Son of Abdul Malik Ansari @ Malik Ansari
Resident of village - Masjid Gali, Madanpur, Post and P.S.- Madanpur,
District - Aurangabad, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rupa Kumari, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 16.05.2023, in connection with Madanpur P.S. Case No. 42 of 2023, F.I.R. dated 23.01.2023 registered for the offences punishable under Sections 376, 341, 323, 506 of the Indian Penal Code.

3. Allegation against the petitioner is that on the pretext of marriage he committed rape upon the victim for the last five years.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. She further submits that the allegation against the petitioner that on the pretext of marriage



he has committed physical relation with the victim and after some time he refused to perform the marriage with the victim and thereafter the present F.I.R. was instituted. She further submits that the allegation as alleged in the F.I.R. is false and fabricated and the date of occurrence as alleged in the F.I.R. is 07.12.2022 but the present F.I.R. was instituted on 23.01.2023 after delay of 46 days without giving any explanation of delay. She further submits that the victim is major and there is case and counter case between the parties. She further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 16.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner has committed wrong with the victim on the pretext of marriage and thereafter he has refused to marry with the victim but fairly submits that the victim is major at the time occurrence and there is direct and specific allegation against the petitioner that he has committed wrong with the victim.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail, **after framing of charge**, 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,



Aurangabad in connection with Madanpur P.S. Case No. 42 of 2023, 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 witness, 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 antecedents, 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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