

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56705 of 2022

Arising Out of PS. Case No.-84 Year-2016 Thana- MAHILA P.S. District- Araria

Md. Sawood @ Sawood S/O Khalil Resident Of Village- Duba, P.S.- Jokihat,
District- Araria.

... .. Petitioner/S

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 24-02-2023 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Mahila P.S. Case No. 84 of 2016 corresponding to Spl.
(POCSO) Case No. 39 of 2018 lodged under Section 376(D) of
the I.P.C.

As per the prosecution case, three persons have been
made named accused in this case, namely Md. Rahim, Md.
Hasib and Md. Sawood, against whom, there are allegation of
rape.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further

submits that petitioner was not arrested rather he surrendered on 30.08.2022 in this case, as soon as he received the information about filing of this case against him. He further submits that petitioner is having clean antecedent. Counsel submits that from the F.I.R., allegation is against Margub, in the case diary petitioner has been made accused on the ground that Md. Sawood and petitioner Margub are one and the same person, in this regard the informant has filed a verification, indicating that Margub has committed rape with the victim and she has not identified the present petitioner.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Mahila P.S. Case No. 84 of 2016, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date

fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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