

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71032 of 2022

Arising Out of PS. Case No.-200 Year-2021 Thana- NIRMALI District- Supaul

Md. Ibran @ Md. Imran Son of Md. Usman R/V- Majhari, Ward no. 4, P.S-
Nirmal, Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Yadav, Adv.

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 04-01-2023 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Nirmali P.S. Case No. 200 of 2021 registered for the offence
punishable under Section 376 of the Indian Penal Code.

As per allegation, the petitioner entered into the house
of the informant and on the pretext of marry her, he established
physical relationship with her and on the alleged night of the
occurrence he established said relationship forcibly with the
victim and in the meantime, the parents of the victim woke up
and caught the petitioner and thereafter the petitioner agreed to



marry the victim but later on denied.

The main submissions advanced by learned counsel Mr. Mr. Pramod Kumar Yadav appearing for the petitioner are that the petitioner earlier preferred Cr. Misc. No. 31772 of 2022 for the relief of regular bail which was rejected by this Court with giving a liberty to him to renew his bail prayer after the examination of victim as prosecution witness before the trial Court and now the petitioner has again come before this Court for the relief of bail mainly in view of the said liberty. It is further submitted that in fact, the victim as well as material witnesses of the prosecution had been examined before passing of the order in connection with the earlier bail petition of the petitioner and by mistake of fact the said fact was not brought in the knowledge of this Court and the deposition of the victim as well as other material witnesses has been filed before this Court vide Annexure -4 series and the victim accepted in the cross-examination to have love affair with this petitioner and also stated that she would not have filed this case the FIR of the instant matter if the petitioner had performed marriage with her and the father of the victim went hostile and did not support the allegation of the prosecution and other material witnesses also went hostile. Further submission is that in between both the



parties a good sense has prevailed and now both the sides do not want to proceed the petitioner's case and in this regard they have filed a compromise petition before the trial Court. Further submission is that the petitioner has been languishing in jail since 29.12.2021.

Learned APP Mr. Navin Kumar Pandey appearing for the State has opposed the bail prayer.

Considering the above submissions and mainly taking into account the facts that the material witnesses have been examined in the trial of the petitioner and the petitioner has been languishing in jail since 29.12.2021, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer. Accordingly, let the 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 Court concerned in connection with Nirmali P.S. Case No. 200 of 2021.

(Shailendra Singh, J)

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