

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75097 of 2023

Arising Out of PS. Case No.-20 Year-2023 Thana- MAHILA P.S. District- Bhagalpur

Md. Alam Son of Md. Islam Baitha R/o vill - Bhamarpur, P.S. - Bihpur, Distt.
- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ved Prakash Chandan, Adv.
		Mr. Rajesh Kumar Pandey, Adv.
For the Opposite Party/s :		Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Bhagalpur (Mahila) P.S. Case No. 20 of 2023, lodged on
01.06.2023 under Sections 376/504/506 of the Indian Penal
Code.

3. As per the FIR, the petitioner is named accused
against whom the allegation of rape is there as made by the
informant that she is mother of two daughters and her husband
died in the year 2013. The informant known to the petitioner
from 2019 who is distant relative and with a view to marry, the
petitioner alleged to have developed physical relation with the
informant and solemnized marriage with some other person. The



allegation of preparing obscene video is also there against the petitioner.

4. Learned counsel for the petitioner submits that it is admitted that the informant is mother of two daughters and well matured lady and she developed physical relation with the petitioner with her full consent and when the marriage of the petitioner was solemnized then she has filed the criminal case with a view to continue relation with him for which the petitioner was not ready.

5. Learned counsel for the petitioner further submits that the antecedent of the petitioner is clean and he is in custody since 02.06.2023.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. 1st, Bhagalpur in connection with Bhagalpur (Mahila) P.S. Case No. 20 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following



conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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