

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6811 of 2024

Arising Out of PS. Case No.-374 Year-2023 Thana- BAHERA District- Darbhanga

Md. Nemat S/O Md. Akhtar Village - Ahiyapur , Police Station - Bahera ,
District - Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rukhsar Khatoon D/O Md. Nizam Khan Village - Ahiyapur , Police Station - Bahera , District - Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-03-2024 Heard Mr. Ashok Kumar Prasad, learned counsel for

the petitioner and Mr. Jai Narain Thakur, learned APP for the

State.

2. The petitioner is apprehending his arrest
connection with Bahera P.S. Case No. 374 of 2023, F.I.R. dated
20.09.2023 registered for the offences punishable under Section
376 of the Indian Penal Code.

3. Allegation against the petitioner is that he has
committed rape upon the victim.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
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 offence as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that the victim was in love with the petitioner and as per allegation in the F.I.R. that the petitioner has committed rape upon her in presence of his sister. Learned counsel for the petitioner further submits that how it can possible that a man can commit rape upon the victim in presence of his sister and with the help of the mother.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Benipur, District-Darbhangha in connection with Bahera P.S. Case No. 374 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 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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