

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28855 of 2024

Arising Out of PS. Case No.-5 Year-2023 Thana- MAHILA P.S District- Supaul

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1. Md. Nisar @ Md. Nisarul Son of Md. Fahim Resident of Lakhminiya, Ward No. 13, P.S.- Balua, Dist.- Supaul
 2. Istkhar @ Md. Istakha @ Md. Istakharul Son of Md. Fahim Resident of Lakhminiya, Ward No. 13, P.S.- Balua, Dist.- Supaul

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patla Kumari, Advocate

For the Opposite Party/s : Mr.Anant Kumar I, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 15-05-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Mahila P.S. Case No. 05 of 2023 for the offence registered under sections 376, 323, 341 and 504/34 of the Indian Penal Code lodged on 03.02.2023 by the informant.

3. As per the prosecution story, the informant alleged that when she was found alone, Dilshad committed rape on her as she wanted to lodge FIR, the locals held a Panchayat, Dilshad agreed to the marriage but later on refused. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that



they are not Dilshad, are villagers and they were part of the Panchayat which failed earlier and infuriated, they were also implicated. The further submission is that subsequently, Dilshad got married with the lady and taking into account the aforesaid facts, he has been granted bail.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

6. Taking into account the aforesaid development that has taken place, subsequently the allegation of rape is against Dilshad, he has now married with the complainant/informant as informed by the learned counsel for the petitioners and Dilshad has also been granted bail, in that background, this Court is inclined to grant them privilege of bail.

7. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ADJ-VI cum Spl Judge, POCSO Court, Supaul in connection with Mahila P.S. Case No. 05 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(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 petitioners 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 their bail bond by the Trial court itself;

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

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

(v) the petitioners 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.

(Rajiv Roy, J)

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