

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36783 of 2024

Arising Out of PS. Case No.-920 Year-2023 Thana- GAYA MUFASIL District- Gaya

Md. Samsuddin Son of Late Md Shafique Alam @ Late Feku Miyan @
Shafique Village- Bhadeja, Ps- Muffasil, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 21-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Muffasil P.S. Case No. 920 of 2023 instituted for the offences
under Sections 452 and 354(B) of the Indian Penal Code.

3. As per allegation, the petitioner extracted Rs.
10,000/- from the Informant in the name of compromising a
previous litigation. It is further alleged that finding the
Informant alone in her room, he also attempted to commit rape
upon her.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



There is a case and counter case between the parties and the present case has been lodged only to counter the case lodged by the petitioner being Muffasil P.S. Case No. 167 of 2022. The petitioner has three criminal antecedents out of which in two of them, he has been acquitted as has been stated in Para-3 of the present bail petition and is languishing in judicial custody since 07.01.2024 without any rhyme or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner is named in the F.I.R. and the victim/Informant in her statements u/s 161 of the Cr.P.C. and 164 Cr.P.C. has categorically narrated the same story as stated in the F.I.R. and, thus, the petitioner does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Muffasil P.S. Case No. 920 of 2023, subject to the following conditions;



(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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