

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45337 of 2024

Arising Out of PS. Case No.-107 Year-2023 Thana- JALALGARH District- Purnia

Md. Tahseen Son of Late Afjal Resident of village - Jalkar, P.S.- Jalalgarh,
District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

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

ORAL ORDER

3 25-09-2024 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in Jalalgarh P.S. Case No.
107 of 2023, instituted for the offences punishable under
Sections 341, 323, 376 and 506 of the Indian Penal Code.

3. The prosecution case, in short, is that, the petitioner
committed rape upon informant on the pretext of marriage and
later on denied for the same.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case.
Learned counsel for the petitioner also submits that the
petitioner is the *devar* of the informant and the informant is also
a married woman and she is the mother of two children. It is
further submitted that there is inordinate delay of six months in



lodging the FIR. The victim has denied for her medical examination. The petitioner has surrendered in the Court below on 16.04.2024 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Jalalgarh P.S. Case No. 107 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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