

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51851 of 2024

Arising Out of PS. Case No.-40 Year-2024 Thana- UDAKISHUNGANJ District- Madhepura

Md. Gyas @ Md. Giyas Rain Son of Md. Samsul @ Md. Samshul R/O Vill.-
Biriranpal (Biri Ranpal) ward no.2, P.s.- Udakishunganj, Dist.- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 25-09-2024 Heard the parties.

2. The petitioner is in custody in connection with Udakishunganj P.S. Case No. 40 of 2024 for the offence punishable under sections 376, 511, 504 and 506 of the Indian Penal Code lodged on 06.02.2024 by the informant, Kiran Devi.

3. As per the prosecution story, the informant alleged that while she was sleeping with her children, in the midnight, this petitioner entered the house and forcibly tried to commit rape and upon alarm, threatened her of dire consequences. As she called 112, the police came and he was arrested.

4. Learned counsel for the petitioner submits that admittedly, there is land dispute and only to implicate, the allegation of rape has been alleged. Further, the Police investigated the matter and submitted the charge-sheet under



Section 354 amongst other of the Indian Penal Code and not under Section 376 of the IPC. This fact has been recorded in the order of the learned Sessions Judge.

5. Learned APP opposes the prayer for bail submitting that the allegation is of entering the house in the midnight and only after the informant dialed 112, the Police caught him from the spot.

6. Though the allegation is there, the charge-sheet has been submitted under Section 354 of the IPC amongst other, he do not have criminal antecedent, remained in custody since 06.02.2024 (paragraph-13 of the petition) and further, learned counsel for the petitioner submits that he will be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM, Udakishunganj, Madhepura, in connection with Udakishunganj P.S. Case No. 40 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 bond by the Trial Court itself;

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

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

(Rajiv Roy, J)

Adnan/-

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