

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72062 of 2024

Arising Out of PS. Case No.-390 Year-2023 Thana- AMAUR District- Purnia

Gulam Haider @ Gulam Rasool Son of Late Usman R/o vill - Sur Japur, P.S. -
Amour, Distt. - 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. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-11-2024 Heard Mr. Ram Prawesh Kumar, learned counsel
for the petitioner and Mr. Sanjay Kumar, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
12.08.2024 in connection with Amour P.S. Case No. 390 of
2023, F.I.R. dated 08.12.2023 for the offences punishable under
Sections 341, 323, 324, 379 and 376 of the Indian Penal Code.

3. According to prosecution case, the informant states
that the petitioner has committed rape upon her and also
snatched her gold ear ring and other ornaments which she was
wearing.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
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 offences as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that the medical examination of the victim was held within 38 hours of the occurrence but the medical report does not support the allegation as alleged in the F.I.R. He further submits that the charge has been framed against the petitioner on 23.10.2024 and the petitioner has suo moto surrendered before the learned Court below on 12.08.2024. He further submits that the victim is a major lady aged about 25 years having two children. The petitioner is in custody since 12.08.2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and the charge has been framed against the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Amour P.S. Case No. 390 of 2023, subject to the following conditions:-



i. 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.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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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