

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.2882 of 2017**

Arising Out of PS.Case No. -86 Year- 2016 Thana -AWADPUR District- KATIHAR

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Md. Nazir, Son of Mojo, Resident of Village- Malapara, Police Station-  
Abadpur, District- Katihar.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Najeeb Ahmad

For the Opposite Party/s : Mr. Sri S. Ehteshamuddin

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**  
ORAL ORDER

3      23-03-2017                      Heard the learned counsel for the petitioner as well as  
the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Abadpur P.S. Case No. 86 of 2016 for the offences punishable under sections 341, 323, 504 and 376/34 of the I.P.C.

Allegedly, the petitioner and other co-accused started abusing the informant and further the petitioner dragged the informant and brought in the Gali and committed rape with her and after hearing alarm Mukhtar came to save and then the petitioner bites him. Other co-accused persons have caught the husband of the informant.

Submission is of false implication and that the



occurrence is of 15.08.2016, whereas, FIR has been lodged on 28.08.2016, during investigation no witness has supported the allegation of rape, Mukhtar vide paragraph-4 of the case diary has also not supported the allegation of rape though he has supported the allegation of assault stating that the petitioner bites him in his hand, the medical evidence also does not support the allegation of rape and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioner.

In the facts and circumstances as stated above, considering the statement of Mukhtar vide paragraph-4 of the case diary whose name is also figured in the FIR, the petitioner, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall 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. C.J.M. Katihar in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

**(Jitendra Mohan Sharma, J)**

Abhay/-

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