

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41871 of 2019

Arising Out of PS. Case No.-238 Year-2019 Thana- KATIHAR District- Katihar

MD. JAMIR, aged about 35 years, Male, S/o Md. Mustafa, R/o- Sonapur,
P.S.- Korha, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. with Mr.Sanjeev Kumar Singh, Adv.
For the Opposite Party/s :		Mr.Murli Dhar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

5 20-11-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with
Nagar P.S. Case No. 238 of 2019 registered under Sections 376,
506 and 34 of the Indian Penal Code.

The accusation is that the petitioner, Md. Jamir, who
is neighbour of complaint/informant, Shabnam Ara, is doing the
work of Compounder in the clinic of Dr. Amjad Mian, due to
that reason she was under the treatment of Dr. Amjad Mian. In
that course, on 25.12.2017, the petitioner, in spite of protest,
committed rape at her. He also committed rape with her several
occasions and had given threatening that if she will disclose the
matter, then, she will not be treated in proper manner. On



25.10.2017 the operation for removing the stone was done by Dr. Amjad Mian, but, there was no improvement and in course of operation one vein was also cut due to that reason her condition became serious and she was referred to the clinic of Dr. Sunil Harsh at Purnia. Dr. Sunil Harsh is simple MBBS and not the surgeon, also done the operation twice, but, operation was not successful.

The learned counsel appearing on behalf of the petitioner submits that it would appear from the complaint petition, which is the basis of the first information report, that petitioner is the neighbour of the complaint/informant and complainant was under treatment at the clinic of Dr. Amjad Mian, where the petitioner is Compounder. In fact, due to not improvement in health of improvement, in spite of operation, expending huge amount the informant lodged the complaint case on 25.09.2018, which basis of first information report, after nine months of the alleged occurrence of rape on 25.12.2017 without any explanation detailing in the complaint petition.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Nagar P.S. Case No. 238 of 2019 shall be



released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Katihar, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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