

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24955 of 2020

Arising Out of PS. Case No.-93 Year-2019 Thana- MAHILA PS District- Darbhanga

MD. KAUNAIN JAILANI, Male, aged about 19 years, Son of Tamannay,
Resident of Village- Jahangir Tole, P.S.- Kamtaul, District- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ugranath Mallik, Advocate.

For the Opposite Party : Mr. Brajendra Nath Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 10-12-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of Virtual Court Proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 376 of the I.P.C. and 4/6 of
POCSO Act.

The prosecution story, in brief, is that on 27.10.2019
at 6.00 P.M., in evening, the informant was going to take
domestic articles from the shop of *Babaji Kirana House* and
reached near the house of *Babaji at Choti Puliya*, Md. Jilani
(petitioner) surrounded and caught her and forcibly took her



near the orchard and committed rape upon her and on the point of knife told that if she narrate about the incident to other then she would be killed.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The victim has been examined by the Medical Officer. The medical examination report of the victim is in paragraph no. 27 of the case diary. The medical examination report of the doctor does not corroborate the allegation made in the F.I.R. There is case and counter-case between the parties.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Ist Additional Sessions Judge-cum-Special Judge (POSCO Act), Darbhanga, in connection with Kamtaul P.S. Case No. 93/2020, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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