

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24319 of 2020**

Arising Out of PS. Case No.-55 Year-2019 Thana- MAHILA P.S. District- Kishanganj

Md. Tahmeed Alam @ Tahmeed Son of Late Md Wasif @ Md. Wasil Resident  
of Village - Aambari, P.S.- Garbandanga, District - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Diwakar Sinha

For the Opposite Party/s : Mr.A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3. 13-10-2020 Heard both parties.

The petitioner seeks bail in Kishanganj Mahila P.S.  
Case No. 55 of 2019, registered for the offence under Sections  
341, 323, 376, 313, 34 of the Indian Penal Code and Section 4  
of the POCSO Act.

As per the prosecution case, this petitioner alongwith  
other co-accused namely Runi Begum, Isarun Begum and one  
doctor Md. Alam administered some medicines to the victim for  
the purpose of causing abortion.

It is submitted on behalf of petitioner that petitioner  
has been falsely implicated in this case simply because he is  
brother of co-accused Md. Tausif. It is further submitted that  
though, the occurrence is said to have taken place prior to  
14-12-2019, but F.I.R. was lodged on 27-12-2019 after a long  
delay. So far as allegation of sexual assault is concerned, the  
same has been made against co-accused Md. Tausif. It is further



that some of the co-accused namely Md. Tausif and Md. Alam have already been granted bail by this Court, vide order dated 25-08-2020 passed in Cr.Misc. No. 12343 of 2020 and order dated 03-09-2020 passed in Cr.Misc. No. 18532 of 2020 respectively (Annexure – 3 to the Supplementary Affidavit). As per statement made in paragraph- 3 of the petition, petitioner has got clean antecedent and he is in custody since 05-02-2020.

Considering the aforesaid facts and circumstances, the bail application is allowed. Let the above-named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1<sup>st</sup> cum Special Judge, Kishanganj in connection with Kishanganj Mahila P.S. Case No. 55 of 2019 on the following conditions:

“(1) Petitioner shall cooperate 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.

(2) 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.”.

**(Prabhat Kumar Singh, J.)**

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