

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31239 of 2020

Arising Out of PS. Case No.-127 Year-2019 Thana- KASBA District- Purnia

MD. UJIR @ MD. WAZIR Son of Md. Ainul Haque @ Md. Ainul Resident of
Village- Karkheli, Police Station- Dagarua, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar
For the Opposite Party/s : Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-12-2020 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.

Learned counsel for the petitioner is directed to remove
the defects, as pointed out by the office, within a period of four
weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case instituted for the
offences under Sections 323, 406, 376 of the Indian Penal Code and
Section 3/4 of POCSO Act.

Prosecution case, in short, is that the petitioner committed
rape upon the victim.

It has been submitted on behalf of the petitioner that the



petitioner is in custody since 24.01.2020 and has got no criminal antecedent. Charge sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in this case. The present case has been instituted under Section 156(3) of Cr.P.C. A complaint case was filed on 13.05.2019 in respect of the occurrence dated 17.01.2019. Delay has not been explained by the prosecution. The medical report does not support the allegations in respect of commission of rape as alleged in the complaint case. The petitioner has been made accused in the present case for oblique reasons.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 1st Additional Sessions Judge-cum-Special Judge (POCSO), Purnea in connection with Special (POCSO) case No.48 of 2019 arising out of Kasba P.S. case No.127 of 2019.

(Sudhir Singh, J)

Narendra/-

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