

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23389 of 2021**

Arising Out of PS. Case No.-1110 Year-2018 Thana- BETTIAH CITY District- West
Champaran

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Md. NASIRUDDIN @ Md. NASRUDIN @ KAPATU @ KAPTU, Son of
Late Md. Rashid, Resident of Village - Najni Chowk, Ganj, No.2, P.S.-
Bettiah (Town), Distt.- West Champaran. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh No. 5, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-08-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Arun
Kumar Singh No. 5, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Bettiah (Town) P.S. Case No. 1110 of 2018
registered for the offence punishable under Section 372, 373,
344,345, 347, 376/34 of the Indian Penal Code and Section 3, 4,
5, 6 and 9 of Immoral Traffic (Prevention) Act. He is in custody
since 15.12.2020 after his surrender.

Learned counsel for the petitioner submits that the
thrust of the allegations in this case are against co-accused
Rahul, Kunal and Praveen Begum. The specific allegation is that
it was the co-accused Praveen Begum who had indulged the

informant in participating of sexual act.

Learned counsel submits that Praveen Begum has been granted privilege of anticipatory bail by a learned coordinate Bench of this Court in Cr. Misc. No. 28332 of 2019 after noticing the submission that the informant is the tenant of the petitioner in the said case and she had sworn an affidavit that she would regularly paid rent to the petitioner and knowing the said dispute the F.I.R. was lodged.

Learned counsel further submits that this petitioner happens to be the son-in-law of said Praveen Begum and in one line the allegation against him is that in the statement under Section 164 Cr.P.C. saying that he was giving beatings to the informant which is a palpably false and concocted statement with sole intention to implicate each and every family of Praveen Begum.

Mr. Arun Kumar Singh No. 5, learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but considering the aforesaid facts and circumstances of the case and further that this petitioner has remained in jail for about eight months, he has got one criminal antecedent in which he is on bail, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/-

(Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Cheif Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah (Town) P.S. Case No. 1110 of 2018, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.