

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30287 of 2020

Arising Out of PS. Case No.-76 Year-2020 Thana- AAJAM NAGAR District- Katihar

MD. NASWAR ALAM @ MD. NASWAR Son of Tahaj Resident of Village-
Siktiya Bairiya, P.S.- Azam Nagar, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Helal Ahmad

For the Opposite Party/s : Mrs. Anita Kumri Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 05-01-2021 Heard the learned counsel for the petitioner and Smt.
Anita Kumari Singh, the learned APP appearing for the State.

The petitioner seeks regular bail in connection with
G.R. No. 1476 of 2020 arising out of Azam Nagar P.S. Case No. 76
of 2019 for the offence punishable under Sections 376, 120(B) of the
Indian Penal Code and sections 4, 17 of POCSO Act.

The allegation is regarding the petitioner and one other
co-accused person having taken the victim lady into the house and
having committed rape.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the
present case and is languishing in custody since 17.04.2020. The
learned counsel for the petitioner has further submitted that a bare
perusal of the statement of the victim girl made under Section 164
Cr. P.C. before the learned Magistrate would show that she has not
alleged any misdeed having been committed by the petitioner herein,



hence he be granted the privilege of bail.

Per contra, the learned A.P.P. appearing for the State has vehemently opposed the prayer for bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on records as also the statement made under section 164 Cr. P.C., I find that there is no allegation against the petitioner of having committed any misdeed with the victim girl, hence, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum- Special Judge, Katihar in connection with G.R. No. 1476 of 2020 arising out of Azam Nagar P.S. Case No. 76 of 2020.

(Mohit Kumar Shah, J)

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