

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34717 of 2020

Arising Out of P.S. Case No.-29 Year-2020 Thana- MAHILA P.S. District- Kishanganj

MD. MOMIN ALAM @ MD. MOMIN Son of Md. Muzaffar Alam @ Banku
@ Baingua Resident of Sikri, P.S.- Rageli, District- Morang (Nepal)
(according to F.I.R.) at present Resident of Sikti, P.S.- Sikti, District- Araria.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 19-01-2021 Learned counsel for the petitioner is directed to remove
the defect(s), as pointed out by the office, within a period of two
weeks.

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

The petitioner seeks bail in a case for the offence
registered under Sections 376, 354(B)/34 of the Indian Penal
Code and Section-4 of POCSO Act.

Prosecution case in short is that when on 07-07-2020 at
about 11.00 P.M., two accused persons came there at motorcycle
and having shut the informant's mouth, they took away her to
the school and committed rape upon her.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation
of tampering of witnesses alleged against the petitioner. The



petitioner is in custody since 09-07-2020. Charge sheet/Prosecution report in this case has already been submitted. The petitioner has been falsely implicated in the present case. The victim was examined by the Medical Officer. The medical report of the victim does not support the allegation, made in the FIR. As per medical report, the age of the victim has been assessed as 16-18 years. The victim in her statement recorded under Section 164 Cr.P.C. has not named the petitioner.

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

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-Ist-cum-Special Judge, Kishanganj in connection with Kishanganj (Mahila) P.S. Case No. 29 of 2020.

(Sudhir Singh, J)

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