

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36422 of 2020

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

Md Abdul Nawab @ Abdul Nawab Son of Ibrahim Resident of Village
Rampur P.S. - Terhagacch, District- Kishanganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarangdhar Jha, Advocate

For the Opposite Party/s : Mr. J.K. Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

5 17-04-2021 Heard learned counsel for the petitioner and learned
APP for the State through video conference. Learned counsel for
the petitioner has filed an undertaking that all defects pointed
out by the stamp reporter shall be removed, and compliance
with the conditions of the notices of this Court with regard to
acceptance of e-filing shall be made, without delay immediately
upon resumption of normal physical functioning of the Court,
and in any event within one month thereof.

2. The petitioner is in custody since 09.07.2020 in
connection with Kishanganj (Mahila) P.S.Case No.29 of 2020
for the alleged offences under Sections 376 and 354(B)/34 of
the Indian Penal Code.

3. It is submitted that the petitioner has been falsely
implicated on the allegations that two motorcycle-borne riders



carried away the informant's daughter, upon which co-accused Momin Alam committed rape upon her while the petitioner was also getting ready to do so. On intervention of the villagers, co-accused Momin Alam was caught while the petitioner fled away. It is submitted that the petitioner has not been arrested at the spot nor is there any objective material to connect him with the alleged occurrence. The medical examination has not disclosed any internal or external injury on the victim's private part nor evidence of recent sexual intercourse nor presence of spermatozoa. The age of the so-called victim girl has been assessed between 16-18 years. The victim girl in her statement recorded under Section 164 Cr. P.C. has not named the petitioner. It is submitted that the petitioner's case stands on better footing than that of co-accused Momin Alam who has since been granted bail by this Court in Cr.Misc. No.34717 of 2020. The petitioner claims clean antecedents.

4. Learned APP appears and has been heard.

5. Be that as it may and having regard to the period of custody already suffered since 09.07.2020, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and



Sessions Judge 1st-cum-Special Judge, Kishanganj in connection with Kishanganj (Mahila) P.S.Case No.29 of 2020, if he is not otherwise required in any other case.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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