

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2426 of 2021

Arising Out of PS. Case No.-169 Year-2020 Thana- NIRMALI District- Supaul

Md. Saddam Son Of Md. Kalim Ansari Resident Of Village - Hariyahi, Ward
No. 7, Police Station - Nirmali, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prafull Chandra Thakur, Advocate

For the Opposite Party/s : Mr. Satyadeo Singh Yadav, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 25-05-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Nirmali P.S. Case No. 169 of 2020 registered for the offence punishable under Sections 341, 323, 354 (B), 379, 366 (A), 307, 504, 34 of the Indian Penal Code.

As per the prosecution case which is based on the written report of the informant Kavita Kumari, the petitioner accused Md. Saddam of Hariyahi along with two other person sitting on



the Apache motorcycle forcefully made her to sit on the bike while she was returning back after delivering milk to Lal Kamat. The petitioner accused also molested and tried to rape her and assault her. It is further alleged that the petitioner accused trying to kidnapped her but she jumped from the motorcycle and with the help of the passerby went to her house. It is alleged that the petitioner has attempted to rape another girl of the village namely Lalita Kumari.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. The petitioner has been falsely implicated in this case at the instance of informant's village. It is further submitted that the petitioner accused and informant are not next door neighbours. Therefore, there is no likelihood of identifying her for abduction. The petitioner accused had some skirmishes with the uncle of Chotelal regarding payment of land tilling by the tractor and therefore, Hiralal's nephew Chotelal Thakur manipulated to file his case and hence the present case has been lodged against the petitioner. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He further submits that charge sheet has already been submitted and there



is no allegation of tampering with the prosecution witnesses by the petitioner. On perusal of the records it is found that there is contradiction of statement under Section 164 Cr.P.C. and 161 Cr.P.C. of the victim. The petitioner has no criminal antecedent as has been mentioned in Para 3 of the bail application and he is languishing in custody since 26.08.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Nirmali P.S. Case No. 169 of 2020 subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court



concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

GAURAV S./-

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