

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1616 of 2021

Arising Out of PS. Case No.-277 Year-2020 Thana- PUPRI District- Sitamarhi

MD. NAZIR @ GORE S/O Md. Shabir @ Mohammad Savir Resident Of
Village - Morsand, P. S. - Runnisaidpur, District - Sitamarhi.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Pushpendra Kumar Singh, Advocate.
For the State	:	Mr. Sunil Kumar Pandey, A.P.P.
For the Informant	:	Mr. Ashok Kumar Jha, Advocate.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 07-09-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioner remove the defect(s), as pointed out by the office vide its notes dated 04.01.2021, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State as also the learned counsel for the informant, through Video Conferencing.

The petitioner apprehends his arrest in connection with Pupri P.S. Case No.277 of 2020 registered under Section 376 of the Indian Penal Code besides Sections 4/6 of the POCSO Act.

The accusation is that Raunak Khatoon, the neighbour



of the informant, called the informant to see the house, then the informant went at the house of Raunak Khatoon. At that time, Md. Nazir alias Gore (petitioner) started talking with her and he also started talking with her on mobile phone. Thereafter, one day, in the month of February, 2020, the petitioner called the informant at the house of Raunak, where he used to reside, and committed rape on her, then the informant started weeping. Thereafter, the petitioner, Raunak Khatoon and mason persuaded the informant, saying that the petitioner will perform the marriage with her. Again, the petitioner committed rape on the informant four times in between the month of February, 2020 and the first week of March, 2020. After completing the work, the petitioner went to his house and from there, he went to do the work at Kashmir. After reaching at Kashmir, the petitioner sent the message to the informant that his SIM has been closed and, thereafter, to talk to the informant, the petitioner sent another mobile number to her through message. Thereafter, the informant started talking with the petitioner. In that course, the petitioner sent different mobile numbers of different persons to the informant through message on which numbers, the informant used to talk to the petitioner. Unfortunately, the call made by the numbers of different persons



came at the mobile of the father of the informant, then the father of the informant went at the police station to give information in this regard on 14.04.2020. Thereafter, the informant purchased another mobile and putting the SIM in the same started talking with the petitioner and, in that course, the petitioner asked the informant to come with Raunak Khatoon and when the informant refused and asked the petitioner to perform the marriage, then petitioner started to abuse and, ultimately, the petitioner refused to perform the marriage with the informant.

Learned counsel for the petitioner submits that due to misunderstanding, the informant has lodged the present case. After lodging of the present case, the petitioner performed 'Nikah' with the informant and both are residing together.

Learned counsel for the informant submits that after lodging of the present case, the petitioner and the informant performed 'Nikah' and both are residing together. The informant has no objection in allowing the prayer of the petitioner for grant of privilege of pre-arrest bail.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge No.6, Sitamarhi, in connection with Pupri P.S. Case No.277 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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