

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2575 of 2022

Arising Out of PS. Case No.-48 Year-2021 Thana- MAHILA P.S. District- Araria

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Mir Nizamuddin S/O Late Mir Azhar R/O Village- Bhawanipur Ward No. 02,
P.S.- Fulkaha, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Harun Quareshi, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 24-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Mahila
P.S. Case No. 48 of 2021 registered for the offence under
Sections 376, 511, 354(A), 354(B), 341, 323, 448, 504, 506 and
34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 09.10.2021.

The allegation against the petitioner is to made an
attempt for rape upon the informant.

Learned counsel appearing on behalf of the petitioner
submitted that victim is the wife of brother of the petitioner and



due to land dispute, present false implication has been made. It is submitted that, admittedly, rape was not committed and allegation is limited only to made an attempt. It is further submitted that statement of the victim is not recorded u/s 164 of the Cr.P.C. during the course of investigation, as victim and her family members denied for the same. It is also submitted that victim was also not medically examined. It is pointed out that the land dispute, which is the basis of the present false implication, has now been compromised between the parties. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that the allegation is limited only to attempt for rape and further that statement of victim was not recorded u/s 164 of the Cr.P.C.

In view of the facts and circumstances, as mentioned above, as allegation is limited only to attempt, where statement of victim has not been recorded u/s 164 of the Cr.P.C. coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in



connection with Mahila P.S. Case No. 48 of 2021 on furnishing
bail bond of Rs.10,000/- (Rupees Ten Thousand) with two
sureties of the like amount each to the satisfaction of learned
Additional Chief Judicial Magistrate-V, Araria/concerned Court,
subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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