

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5943 of 2022

Arising Out of PS. Case No.-423 Year-2021 Thana- TEKARI District- Gaya

NAWAL KUMAR S/o Late Naresh Yadav R/o village- Dharampur, P.S.-
Tekari, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manish Kumar No2
For the Opposite Party/s	:	Mr.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 09-06-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks regular bail in connection with
Tekari P.S. Case No. 423 of 2021, instituted for the offence un-
der Sections 376, 504, 506 and 34 of the Indian Penal Code.

As per F.I.R., on 25.08.2021 at about 10:00 P.M., the
informant was alone in her house then Nawal Kumar entered
into the house and forcibly committed rape.

Learned counsel for the petitioner submits that
petitioner has no criminal antecedent. He is in custody since
27.08.2021 and charge-sheet has been submitted. He has further
stated that lady is a major aged about 30 years has been
examined under Section 164 Cr.P.C. in which she has not dis-
closed any word about rape against the petitioner. She simply



said that Nawal Kumar entered into the house in absence of her husband. Learned counsel further submits that it clearly shows that this is not a case of 376 of the Indian Penal Code. It is further stated that victim was medically examined by the doctor and the doctor has not found any external or internal injury and opined that there is no any evidence of recent sexual intercourse.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail application of the petitioner.

Considering the fact that the petitioner is in custody since 27.08.2021, 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 Judicial Magistrate, 1st Class, Gaya, in connection with Tekari P.S. Case No. 423 of 2021.

(Khatim Reza, J)

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