

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5940 of 2022

Arising Out of PS. Case No.-341 Year-2020 Thana- PURNEA SADAR District- Purnia

Md. Kuddus Son of Md. Ismile R/O Village- Madarpur, Ward No.14, P.S.-
Sadar, District- Purnea, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rohit Kumar Sharma, Advocate

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 26-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel 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 Purnea Sadar
P.S. Case No. 341 of 2020 registered for the offence under Sections
341, 342, 376 and 34 of the Indian Penal Code

The accused/petitioner is named in the F.I.R. and is in
custody since 17.08.2021.

The allegation against the petitioner is to act as one of
associate of co-accused, Md. Mazid, named in F.I.R., who committed
rape upon informant/victim.

Learned counsel appearing on behalf of the petitioner
submitted that from bare perusal of F.I.R. and also statement of
victim, as recorded under Section 164 of the Cr.P.C., which has



already been produced in para-36 of the case diary, no allegation raised against this petitioner. It is further submitted that mere suspicion has been raised against this petitioner as one of associate of main co-accused, where specific allegation is against co-accused Md. Majid. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation of rape is specific against co-accused Md. Majid, not against this petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Purnea Sadar P.S. Case No. 341 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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