

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22988 of 2022

Arising Out of PS. Case No.-440 Year-2020 Thana- PURNEA SADAR District- Purnia

Md. Nuzwa @ Nujwa S/o Late Humen Resident of Village- Kishanpur,
Humen Tola, P.S.- Sadar Muffassil, District- Purnea.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vikram Singh, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Sadar
Muffassil P.S. Case No. 440 of 2020 registered for the offences
under Sections 341, 323, 307, 376(D), 504, 509/34 of the
Indian Penal Code and 66E IT Act.

As per allegations, the accused person including the
petitioner called the informant on the pretext of her husband
having sustained injury in an accident and when the informant
reached at the alleged place of accident then the petitioner and
co-accused person gang-raped the informant and also filmed the



alleged act of rape and when the informant's husband reached at the alleged place of occurrence he was assaulted by the accused persons and the informant and her husband were threatened by the accused persons.

The main submissions advanced by learned counsel for the petitioner are that the petitioner is presently facing trial along with co-accused persons namely MD. Sabir and MD. Nasir who have been considered for regular bail vide orders passed in Cr. Misc. No. 24414 of 2022 and 36686 of 2021 respectively and against the petitioner there is same allegation like the co-accused persons who have been granted bail. Further submission is that during the trial the statement of victim has been recorded by Trial Court and she turned hostile and her statement was completely contradictory to the allegations made in the FIR and considering these facts as well as the inconsistency of the victim to her statement the coordinate benches have granted the privilege of bail to the co-accused persons.

Learned APP appearing for the State has opposed the bail prayer.

Having considered the above submissions and mainly the testimony of the victim recorded in Session Trial Case No.



166 of 2021 relating to police case of the present matter in which the informant who is stated to be the victim of present case has denied the role of present petitioner in the alleged crime and she turned hostile and also considering the privilege of bail having been granted to co-accused persons vide orders passed in above-mentioned Cr. Misc. who were carrying similar nature of allegations and as such the petitioner also deserves to the same privilege. Let the petitioner 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 concerned Court in Connection with Sadar Muffassil P.S. Case No. 440 of 2020.

(Shailendra Singh, J)

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