

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24861 of 2022

Arising Out of PS. Case No.-141 Year-2016 Thana- MURLIGANJ District- Madhepura

Md. Kurshid @ Md. Khurshid, Son of Md. Raujid Mian @ Ranjit Mian,
Resident of Village - Ram Nagar, P.S. - Shri Nagar, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Murliganj P.S. Case No. 141 of 2016, registered for the alleged offences under Sections 376, 34 of the Indian Penal Code and later on Section 120 B IPC and Section 4 of POCSO Act were added.

As per prosecution case, the minor informant girl was subjected to rape by two youths with the help of the co-accused aunt of the informant. The informant named the petitioner and co-accused Md. Arman as the persons who committed rape after her father made enquiry about the identity of the youths.

The learned counsel for the petitioner submits that the depositions of the informant and her father were recorded by the



learned trial court and they have specifically stated that the petitioner was not involved in the occurrence and the father of the informant further stated that he named the petitioner in his statement to the police but later on he came to know that he was innocent. The informant has also stated that the co-accused Md. Arman committed rape with her. Even in her statement recorded under Section 164 Cr.P.C., the informant/victim girl has not named the petitioner for being involved in the occurrence. The learned counsel further submits that the medical examination of the victim shows her age to be 17-19 years and the co-accused Roji Khatoon has been granted bail by a Coordinate Bench of this Court vide order dated 10.04.2017 passed in Cr. Misc. No. 12427 of 2017. The petitioner is in custody since 24.03.2022 and is having clean antecedent. The charge sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner was named in the FIR by the victim.

Perused the records.

Having regard to the facts and circumstances and submissions made here-in-above and considering the subsequent event and clean chit given by the victim girl as well as her father regarding no involvement of this petitioner in the alleged



offence and further considering the period of custody of the petitioner along with submission of charge sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI, Madhepura, in connection with POCSO Case No. 7 of 2017 arising out of Murliganj P.S. Case No. 141 of 2016, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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