

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25663 of 2022**

Arising Out of PS. Case No.-76 Year-2020 Thana- AAJAM NAGAR District- Katihar

MD. MANGLU @ MD. MAMNUN SON OF SADIQ R/O VILLAGE-
SIKTIYA, BAIRIYA, P.S.- AZAMNAGAR, DISTRICT- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Manzar Karim, Adv.

For the Opposite Party/s : Ms. Sharda Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 25-08-2022 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

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

The petitioner has preferred this application for grant of regular bail in a case registered u/s 376 and 120B of the Indian Penal Code and sections 4 and 17 of the POCSO Act.

According to the F.I.R., the petitioner and co-accused Md. Naswar Alam allegedly forcefully lifted the informant, who is a minor girl, and on the point of gun she was taken to the house where a home theater was being played, at the pitch of the sound, co-accused Md. Naswar allegedly committed rape on her



whole night.

Learned counsel for the petitioner has submitted that the petitioner is innocent and he has falsely been implicated in this case. Learned counsel for the petitioner has further submitted that the main allegation of committing rape as per FIR is against the co-accused person who has been already been granted bail vide order dated 05.01.2021 passed in Cr. Misc. No. 30287 of 2020. Learned counsel for the petitioner has further submitted that a case under Section 376 is not made out against the petitioner as per FIR and statement of the victim recorded under Section 164 Cr.P.C. The victim in her statement has not stated about rape against the petitioner. The petitioner is accused in one more criminal case as stated in para 3 of the bail petition. The petitioner is in custody since 22.04.2020.

Learned A.P.P. for the State has opposed the bail petition of the petitioner by submitting that earlier the bail of this petitioner has already been rejected vide order dated 17.08.2021 passed in Cr. Misc. No.8589 of 2021.

Considering the aforesaid facts, circumstances as well as the period of detention and the nature of allegation against the petitioner, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees



Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Spl. Judge-cum-Addl. District & Sessions Judge VII, Katihar, in connection with Azamnagar P.S. Case No. 76 of 2020.

The application stands allowed.

(Chandra Prakash Singh, J)

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