

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43625 of 2021

Arising Out of PS. Case No.-424 Year-2020 Thana- NARPATGANJ District- Araria

MD. NAFEES @ MD. NASFEES @ MOHD. NAFEES @ MD. NAFIS Son
of Abdus Salam @ Salam Resident of Village - Pathraha, Ward No. 11, Police
Station - Narpatganj (Ghurna bazar), District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohammad Akhter Hussain, Advocate

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 02-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner, learned counsel appearing on behalf of the informant
and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 31.01.2021, seeks
regular bail in connection with Narpatganj P.S. Case No. 424 of
2020 registered for offences punishable under Sections 376,
417, 307/34 of the Indian Penal Code and Section 3/4 of the
POCSO Act, 2012.

Prosecution case, in brief, is that the petitioner on the



false assurance to marry with the informant established physical relationship. Petitioner used to give her tuition at her home.

Learned counsel appearing on behalf of the informant submits that the petitioner is quite innocent and has committed no offence as alleged in the F.I.R. He further submits that the petitioner was neither engaged for home tuition nor had ever gone to give tuition to the informant at her home. The allegation made against him is false and concocted. The petitioner has no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the above mentioned facts and circumstances of the case, taking into consideration the submission made by the petitioner that both the parties now do not want to proceed with case, as such, without going into the merits of the case, this Court directs the Court below to take statement of the victim girl, mother of the victim, father of the victim and all the witnesses, the Court below without being prejudiced with its earlier order dated 06.04.2021, shall pass a fresh order on the basis of material available on record and the statement recorded of all the evidence on record before him pass a fresh order.



Accordingly, the present bail application is disposed
of.

Niraj/-

(Purnendu Singh, J)

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