

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54047 of 2021

Arising Out of PS. Case No.-82 Year-2021 Thana- AMDABAD District- Katihar

MD. MAQSUD ALAM @ MAQSUD ALAM @ MD. MAQSUD S/o Late
Md. Samsul R/o village- Balua, P.S.- Amdabad, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Adv.

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

For the informant : Mr. Bipin Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-05-2022 Heard Mr. Surendra Kumar Singh, learned counsel for the petitioner, Mr. Ajit Kumar, Additional Public Prosecutor for the State and Mr. Bipin Kumar, learned counsel for the informant.

Petitioner seeks regular bail in connection with Amdabad PS Case No. 82/2021 registered for the offence punishable under Section 376 of the IPC.

As per First Information Report, the petitioner entered into the house of the informant and committed rape upon her while she was alone on 17.04.2021. It is further alleged that the villagers caught the petitioner and assaulted him. One Splendor Motorcycle of the petitioner bearing Registration No. BR39Z4706 was handed over to the police by the informant.

Learned counsel for the petitioner submits that the petitioner is a deed writer/property dealer and has falsely been implicated by the informant due to some dispute amongst the



villagers in which the petitioner was a witness and the same was objected by the informant. He next submits that from perusal of the FIR, it would be evident that the petitioner was apprehended by the villagers on the date of occurrence i.e., 17.04.2021 at about 11:00 PM in the night but the FIR has been lodged and the motorcycle allegedly left by the petitioner at the house of the informant was handed over to the police after much delay on 18.04.2021 at about 05:00 PM in the evening. Submission is that the FIR has been lodged with premeditated mind by the informant at the behest of the persons having inimical terms with the petitioner. He next submits that a counter case has also been filed by the wife of the petitioner on 18.04.2021 stating therein that the petitioner was called by the persons, namely, Abdul Rashid and Md. Sakim on whose instance, the petitioner has been implicated in this case and the petitioner was made captive by them and ultimately, they have allegedly, handed over the petitioner to the police on 18.04.2021.

Learned counsel further submits that the medical examination of the victim was held but no sign of rape was found by the doctor.

On the other hand, learned counsel appearing for the informant submits that the trial is going on and one witness has



been examined.

Regards being had to the submissions made by the parties and taking into consideration the material on record and the fact that the FIR has been lodged after an unexplained delay on the next day in the evening, the medical report does not show any sign of rape, there is case and counter case by the side of the petitioner also and petitioner is in custody since 18.04.2021 having no criminal antecedent, I am inclined to grant regular bail to the petitioner subject to the condition that the petitioner will be well represented on each and every date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

Accordingly, let the petitioner, MD. MAQSUD ALAM @ MAQSUD ALAM @ MD. MAQSUD 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 Smt. Swati Kumari, learned Judicial Magistrate- 1st Class, Katihar/the court concerned in connection with Amdabad PS Case No. 82/2021 (GR No. 1479/2021).

(Anil Kumar Sinha, J)

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