

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2042 of 2023

Arising Out of PS. Case No.-183 Year-2022 Thana- THAKURGANJ District- Kishanganj

MUDASSIR @ MUDASSAR NAJAR @ BARSAT @ MUDDASAR
NAZAR S/o Md. Asfaque Alam R/v- Kharna, P.S.- Thakurganj, District-
Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Adv.
For the Opposite Party/s : Mr.Nirmala Kumari, APP.
Mr. Amal Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-04-2023 Heard the parties.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 448, 406, 376, 506/34 of the Indian Penal Code.

Allegedly, petitioner is said to have committed rape with the informant on the pretext of marriage.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is case and counter case between the parties. Both sides have filed cases against each other. It is



relevant to mention that the brother of the petitioner has also filed a complaint case No. 742 of 2022 dated 07.11.2022 against the present informant and others. Before filing of this case, the petitioner had filed a miscellaneous application before the learned Sub-Divisional Magistrate, Kishanganj u/s 39 of the Cr.P.C. on 31.08.2022 bearing Misc. Case No. 855 of 2022. There is inordinate and abnormal delay of more than one and a half months in filing the complaint petition without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State as well as learned counsel for the opposite party no.2 opposed the prayer for bail and submitted that the statement of the victim has been recorded u/s 164 Cr.P.C. in which she stated that petitioner had committed rape with her.

Having regard to the facts and circumstances of the case, as before filing of the present case, the petitioner had filed a miscellaneous application before the learned Sub-Divisional Magistrate, Kishanganj, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the



learned Court below within a period of six weeks from today, on
furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five
Thousand) with two sureties of the like amount each to the
satisfaction of the learned Court below where the case is
pending/successor Court in connection with Thakurganj P.S.
Case No. 183 of 2022, subject to the condition as laid down
under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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