

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6155 of 2023**

Arising Out of PS. Case No.-384 Year-2020 Thana- PURNEA SADAR District- Purnia

MD. USMAN @ MD. USMAN GANI S/O LATE MD. REZABUL Resident
of Village- Fasiya, P.S.- Sadar Muffasil, District- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Bidhu Ranjan, Adv.

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

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

ORAL ORDER

2 05-05-2023 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
A.P.P. for the State.

The petitioner has preferred this application for grant of regular bail in connection with Sadar Muffasil P.S. Case No. 384 of 2020 dated 21.10.2020 registered for the offences punishable u/s 376, 506/34 of the Indian Penal Code and Section 4 of the POCSO Act.

As per the prosecution case, the petitioner is alleged to have committed rape forcibly on the minor daughter of the informant on the point of knife while the daughter of the



informant went to attend call of nature.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Learned counsel has further submitted that the victim in her statement under Section 161 of the Cr.P.C. has stated that the petitioner-Usman did not commit rape on her and her mother lodged the false case against the petitioner on account of instigation of others. He has further submitted that the petitioner has got clean antecedent. Learned counsel has further submitted that as per Annexure-2, the Medical Board has assessed the age of the victim in between 16-17 years. In the said Medical Report, the Doctor has opined that there is no sign of rape at the time of examination of the victim. No 'spermatozoa feach' was found. The petitioner is in custody since 20.06.2022.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the victim in her statement recorded under Section 164 of the Cr.P.C. has supported the prosecution case.

Considering the aforesaid facts and circumstances of the case and the medical report, 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 Court concerned,
Purnia in connection with Sadar Muffasil P.S. Case No. 384 of
2020 with the following condition:

1. The petitioner is directed to
remain physically present before the learned
Court below on each and every date failing
which on two consecutive dates without
reasonable cause, the bail bonds of the
petitioner is liable to be cancelled.

The application stands allowed.

(Chandra Prakash Singh, J)

Ajay Singh/-

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