

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23315 of 2023

Arising Out of PS. Case No.-296 Year-2021 Thana- BARARI District- Katihar

Md. Saddam Hussain @ Mohammad Saddam Hussain Son Of Mozibur
Rahman R/O Village- Balughat Sukhasan, P.S.- Barari, District- Katihar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad
For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 01-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 376 of the Indian Penal Code.

3. According to complaint case, the petitioner is alleged to having forcefully physical relationship with the complainant who is victim of this case without her consent. Thereafter, the present complaint has been lodged.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to dirty village politics and malicious intention. The victim is a major lady, aged about 23 years who made a false and fabricated case against the



petitioner. For the alleged occurrence, the present case has been lodged after delay of 19 days. It is further submitted that the medical report of the victim annexed as Annexure-2, has not corroborated the prosecution version. The petitioner has got no criminal antecedent as stated in para 3 of the bail petition. It is further submitted that the petitioner is languishing in judicial custody since 22.11.2022.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Barari (Semapur) P.S. Case No. 296 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Katihar.

(Sunil Kumar Panwar, J)

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