

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45537 of 2023

Arising Out of PS. Case No.-440 Year-2020 Thana- PURNEA SADAR District- Purnia

Abdullah @ Abdulla Son Of Khush Mohammad Resident Of Village-
Manjheli, Ps- Sadar Muffasil , Distt- Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

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

ORAL ORDER

3 08-09-2023 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.

2. Heard learned counsel for the petitioner and learned
A.P.P for the State.

3. The petitioner has preferred this application for
grant of regular bail in connection with Sadar Muffasil P.S. Case
No. 440 of 2020 dated 30.11.2020 registered for the offences
punishable u/s 341, 323, 307, 376D, 504 and 509 read with
section 34 of the Indian Penal Code and section 66 'E' I. T. Act.

4. As per the prosecution case, the informant in her
written complaint statement made allegation that while her
husband had gone to market, one Sabir called her on phone that



her husband met with an accident. She reached the place disclosed by Sabir, where she saw Md. Nasir along with two other unknown persons who started misbehaving with her. She further alleged that Md. Sabir, Md. Nasir and Md. Sagir committed gang rape and tried to kill her. She, however, managed to escape and informed her husband about this incidence. Her husband immediately reached the place of occurrence. It is further alleged that the accused persons made inappropriate video and took photographs of the informant and even threatened her husband to kill and also threatened that they would make video and photographs viral.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR. The name of the petitioner has surfaced during the course of investigation. The victim in her statement recorded under section 164 of the Cr.P.C. has not stated the name of the petitioner in the alleged incident. The Medical Board has assessed the age of the victim in between 18-19 years and no sign of rape was found. Similarly situated co-accused has already been granted bail by the co-ordinate bench of this court *vide* order dated 22.02.2022 passed in Cr. Misc. No. 36686 of 2021. The petitioner has clean



antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 03.05.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, 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, Purnea in connection with Sadar Muffasil P.S. Case No. 440 of 2020, with the condition/s:-

(i). 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 bond of the petitioner is liable to cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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