

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45281 of 2023

Arising Out of PS. Case No.-17 Year-2023 Thana- MAHILA P.S. District- Muzaffarpur

MD. NAZIR @ MD. NAJIR MIYAN Son of Late Hasan Miyan Resident of
village - Narauli Sen, P.S. - Mushari, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranvijay Singh, Adv.

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-09-2023 1. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 10.05.2023 seeks
bail, in connection with Muzaffarpur Mahila P.S. Case No. 17/2023,
dated 09.05.2023, for the offences punishable under Sections 376
IPC.

3. According to prosecution case, the petitioner is alleged
to have abducted the informant and committed rape upon her.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been implicated in
the present case. He further submits that the allegation as alleged in
the F.I.R. is false and fabricated and the petitioner has not committed
any offence as alleged in the F.I.R. He further submits that the
statement of the victim was recorded under Section 164 Cr.P.C., in
which she has stated new story and medical report of the victim
suggests that she was admitted in hospital on 09.05.2023 and medical



of the victim was conducted on 10.05.2023 but no sign of rape was found on the person of the informant and it has come during investigation that the victim is unsound mind of lady and the petitioner is aged about 78 years old. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 10.05.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under section 164 Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her but fairly submits that the medical report does not support the allegation as alleged in the F.I.R as well as the statement of the victim recorded under Section 164 Cr.P.C.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Muzaffarpur in connection with Mahila P.S. Case No.17/2023, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail



bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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