

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52493 of 2023

Arising Out of PS. Case No.-90 Year-2023 Thana- SATHI District- West Champaran

Nahid Alam, aged about 18 years, Male, S/O Shekh Imtiyaz, R/O Village- Mir Tola, P.S. - Sathi, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 57212 of 2023

Arising Out of PS. Case No.-90 Year-2023 Thana- SATHI District- West Champaran

Firihad Alam @ Ladan Alam 2 Laddan Alam, aged about 19 years, Male, S/O Shekh Bhuteli, R/O Village- Mir Tola, Laxnanauta, P.O. Dhamaura, P.S. Sathi, District- West Champaran- 845449.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 52493 of 2023)

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Shailendra Kumar

(In CRIMINAL MISCELLANEOUS No. 57212 of 2023)

For the Petitioner/s : Mr.Surendra Kishore Thakur

For the Opposite Party/s : Mr.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 03-10-2023 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners have prayed for regular bail in a

case registered for the offence punishable under sections

341, 342, 323, 427, 379, 354, 354A, 376, 376D of the IPC.

As per prosecution case, the allegation against the

petitioners and co-accused persons is that they outraged the



modesty of the informant and also committed rape with her.

Learned counsel for the petitioner submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case merely on the basis of confessional statement of co-accused which is not admissible in the eye of law. It is submitted that an altercation held between the members of orchestra group and the petitioners on account of poor and dirty performance by the orchestra party and due to which, the orchestra program was compelled to be stopped at premature stage. The statement of the victim girl has recorded u/s 164 of the Cr.P.C. in which she does not disclose the name of the petitioners. The medical report of the victim has not supported the prosecution case with regard to the complicity of these petitioners in commission of rape and the doctor opined her aged is about 17 to 19 years, which is mentioned in vide para-74 of the case diary. According to the medical report of the victim it has also appeared that there is no sign of recent sexual relationship. It is further submitted that the petitioners have got no criminal antecedent. He further submitted that the other co-



accused have already been granted bail by this Bench vide order dated 31.08.2023 passed in Cr. Misc. No. 49748 of 2023. Moreover, they have been languishing in judicial custody for about five months.

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

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioners, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Sathi P.S. Case No. 90 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned concerned Court.

(Sunil Kumar Panwar, J)

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