

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60206 of 2022

Arising Out of PS. Case No.-212 Year-2022 Thana- SUGAULI District- East Champaran

Jafir Ahmad @ Zafir Ahmad Son of Shabbir Ahmad R/O Deurwa, Sita Pur,
P.S.- Lauria, Distt.- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Reema Devi Wife of Brajesh Sah R/O Gram- Champapur, P.S.- Ramgarhwa,
Distt.- East Champaran

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Shadab Akhter, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 28-02-2023 Let the defects, if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Sugauli (East Champaran) P.S. Case No. 212 of 2022 registered for the offences punishable under Sections 341, 342, 323, 366, 376(D) and 34 of the Indian Penal Code.

As per the prosecution, the informant's sister-in-law was forcefully raped by this petitioner and other co-accused persons.

The main submissions advanced by learned counsel for the petitioner are that the petitioner has been languishing in jail since 06.05.2022 and the trial of the petitioner has started and the charge was framed on 20.10.2022 but till now no prosecution witness has been examined and there is a serious contradiction in between the statement of the victim recorded under Section 164 of Cr.P.C. and the allegations made in the FIR and the victim did not whisper any word about the presence or role of the petitioner in the alleged crime and the genesis of the alleged occurrence as mentioned in the FIR is totally false, wrong and baseless and the petitioner has been falsely dragged in this case and the so-called victim is nineteen years old and she made contradictory statements during investigation.

Learned APP for the State has opposed the bail prayer.

Considering the aforesaid facts and mainly the custody period of the petitioner and also the stage of the petitioner's trial and the serious contradiction with regard to the role of the petitioner in the alleged crime between the facts of the FIR and the statement of the so-called victim recorded under Section 164 of Cr.P.C., in my view, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with

two sureties of the like amount each to the satisfaction of
concerned Court in connection with Sugauli (East Champaran)
P.S. Case No. 212 of 2022.

(Shailendra Singh, J)

Shahnawaz/-

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