

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63703 of 2022

Arising Out of PS. Case No.-35 Year-2020 Thana- MAHILA P.S. District- Araria

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Nadeem Usmani @ Md Nadeem Usmani @ Nadim Usmani, Son of Md Najeer Alam @ Najeer Alam, R/v- Miyanpur, Ward No.- 06 P.S.- Palasi, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Ziaul Quamar, Advocate
		Mr. Manish Kumar, Advocate
		Ms. Rizwana Tabassum, Advocate
		Ms. Heena Naz, Advocate
For the Opposite Party/s	:	Mr. Shahabuddin Azeem @ S. Azeem, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 18-01-2023 Heard learned counsel for the parties.

The petitioner has renewed his prayer for grant of bail in a case registered under sections 376, 341, 323, 504 and 506 of the Indian Penal Code and section 4 of the POCSO Act.

The earlier application for bail of the petitioner was rejected vide order dated 30.9.2021 (Annexure-1) passed in Cr. Misc. 17589 of 2021.

As per the prosecution case, the petitioner is stated to have committed rape on the minor informant.

Learned counsel for the petitioner files a supplementary affidavit enclosing therein photocopies of the deposition of the prosecution witnesses examined in course of



trial including the victim, her mother besides others.

It is submitted by learned counsel for the petitioner that on reading of the deposition of the witnesses it would transpire that the case of the prosecution will not stand. Thus there being no chance of the petitioner's conviction, he be enlarged on bail. He is in custody since 29.8.2020 and undertakes to cooperate in the trial.

Heard learned A.P.P for the State.

Having heard learned counsel for the parties and having gone through deposition of the 16 year old minor victim recorded in course of trial together with her statement under section 164 of the Cr.P.C recorded in course of investigation, the Court finds no merit in the instant application for bail filed by the petitioner and the application is rejected.

(Partha Sarthy, J)

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