

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5035 of 2024

Arising Out of PS. Case No.-392 Year-2023 Thana- MASHRAK District- Saran

Naushad Alam Son Of Quamudin Miya Resident Of Village - Mashrakh
Takhta, Police Station - Mashrakh, District - Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Yadav, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, APP

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

ORAL ORDER

5 03-07-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Mashrakh P.S. Case No. 392 of 2023 dated 24.07.2023 registered for the offences punishable under Sections 342 and 376(D) of the Indian Penal Code.

3. As per the prosecution case, the petitioner along with two unknown accused persons has committed rape on the informant.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The F.I.R. has been lodged after a delay of two days without disclosing the reasons for the delay. The victim is major. The medical report does not support the prosecution case in which the



doctor opined that there is no evidence of recent sexual intercourse and she was not pregnant. The victim/informant has not stated anything regarding sexual assault with her in her examination-in-chief. The petitioner has a clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 26.07.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that the victim in her statement recorded u/s 164 of Cr. P.C. has supported the prosecution case.

6. 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, Saran at Chapra in connection with Mashrakh P.S. Case No. 392 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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