

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76670 of 2023

Arising Out of PS. Case No.-13 Year-2022 Thana- RAXAUL District- East Champaran

Naushad Ansari @ Md. Naushad Hussain Son Of Nurul Hoda @ Nurul Hoda
Ansari R/O Vill - Bakhari, P.S. - Adapur, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 29-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 376(D) and 120(B) of the Indian Penal Code.

3. Allegation against the petitioner along with one co-accused person is that they committed rape with the victim/informant after administering something noxious material to her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is further submitted from para-7 of this petition that the alleged occurrence took place on 22.08.2021 and the present case was lodged on 07.01.2022 after



inordinate delay of more than 5 months which suspected the alleged occurrence. There is major contradiction in respect of time of occurrence and date of occurrence. Informant/victim is wedded lady and matured mind. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 04.07.2023.

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

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail **after framing of charge if the charge is not framed** in connection with Raxaul P.S. Case No. 13 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari.

(Sunil Kumar Panwar, J)

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