IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78520 of 2024
Arising Out of PS. Case No.-51 Year-2022 Thana- MAHILA P.S. District- Samastipur

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Md Nasim @ Md. Naseem Son of Md. Hasan Resident of Village - Shahpur Baghauni Ward No.13, P.S. - Tajpur (Waini OP), District - Samastipur

... ... Petitioner/s

Versus

1. The State of Bihar
2. Saiyka Praveen Daughter of Md. Samed Resident of Village - Shahpur Baghauni Ward No.06, P.S. - Tajpur (Waini OP), District - Samastipur

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Bijay Bhushan Prasad
For the Opposite Party/s : Mr.Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

2 17-12-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Mahila (Women) P.S. Case No. 51/2022 registered for the offence punishable under Sections 376(D)/342/323/504/506/34 of the Indian Penal Code, Section 4 and 6 of the POCSO Act and Section 67(A) of the I.T. (Amendment) Act. He is in jail since 19.08.2024.

3. The allegation against the petitioner and others is of committing rape. Similarly situated co-accused Md. Javed and others were put on trial in T.R. No. 131 of 2024 in the Court of Additional District and Session Judge VI cum Special Judge, POCSO Act, Samastipur who by his judgment dated 15.01.2024 has acquitted the accused persons. Another co-accused

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Md. Jishan @ Md. Zeshan was also put on trial in T.R. No. 109 of 2024 who has also been acquitted by the Court of Additional District and Session Judge VI cum Special Judge, POCSO Act, Samastipur on 15.01.2024. The victim had approached this Court in Cr. Appeal (DB) No. 280 of 2024 and had challenged the judgment in the case of Md. Jishan @ Md. Zeshan that appeal against acquittal has also been dismissed by this Court on 21.03.2024. The victim had also approached this Court in Cr. Appeal (DB) No. 283 of 2024 and had challenged the judgment in the case of Md. Javed and Ors., that appeal against acquittal has also been dismissed by this Court on 21.03.2024.

4. In view of the above, this application is allowed.

5. Let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-VIth cum Special Judge, POCSO, Samastipur/ concerned court in connection with Mahila (Women) P.S. Case No. 51 of 2022.

6. The petitioner is directed to co-operate in the trial.

(Sandeep Kumar, J)

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