

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.270 of 2024

Arising Out of PS. Case No.-443 Year-2023 Thana- PURNEA SADAR District- Purnia

1. Md. Kayum @ Md. Azam Son Of Md. Badir @ Badir Resident Of Mathor, Ward No 04, PS Dagarua, District - Purnea
2. Md Moin Son Of Md. Badir @ Badir Resident Of Mathor, Ward No 04, PS Dagarua, District - Purnea
3. Md. Shamim Son Of Md. Badir @ Badir Resident Of Mathor, Ward No 04, PS Dagarua, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Adv.
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners seek bail in connection with
Sadar PS Case No. 443 of 2023 dated 16-05-2023 instituted
under Sections 341, 342, 376(D), 504 and 506 of the
the Indian Penal Code.

3. As per prosecution case, the allegation against the
petitioners is that they outraged the modesty of the informant
and also committed rape with her.

4. Learned counsel for the petitioners submitted that
petitioners have been falsely implicated in this case. It is



submitted that the petitioner no.1, namely, Md. Kayum @ Md. Azam is husband of the informant and she concealed this fact in the First Information Report (for brevity 'FIR'). It is submitted that earlier the Complaint Case bearing Complaint Case no. 47 of 2023 has been filed against the petitioners and others in which cognizance has been taken only against petitioner No.1, namely, Md. Kayum @ Md. Azam, who is husband of the informant, under Sections 498A, 506 and 504 of the Indian Penal Code. Thereafter, the present FIR has been registered with false concocted allegation. It is submitted that a compromise petition (Annexure-5) has been filed before the court of CJM, Purnea, wherein, fact of both the cases has been mentioned in paragraph no.1 of the compromise petition and denied the allegation levelled against the petitioners. It is also mentioned in the compromise petition that the informant is residing with the petitioners. It is submitted that petitioners have one criminal antecedents bearing Purnea Complaint Case no. 47 of 2023, under Sections 498A, 506 and 504 of the IPC which has been lodged by the informant.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let



the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Purnea, in Sadar PS Case No. 443 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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