

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2531 of 2024

Arising Out of PS. Case No.-62 Year-2022 Thana- MAHILA P.S. District- Araria

Md. Nihad Alam @ Md. Nehal @ Nehad Son Of Late Md. Kasim @ Md. Quasim @ Md. Quasim Alam Resident Of Village - Chakardah, Ward No.8, P.S. - Araria R.S., District - Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Ziaul Quamar, Adv.

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 03-04-2024 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 Mahila (Araria) P.S. Case No. 62 of 2022 (Special POCSO Case No. 33/2023) dated 22.12.2022 registered for the offences punishable u/ss 341, 323, 376D, 372, 504, 506 read with Section 34 of the Indian Penal Code and u/ss 4 and 6 of the POCSO Act.

3. As per the prosecution case, the petitioner and the other co-accused person are alleged to have 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 petitioner is not named in the F.I.R. The name of the petitioner



has surfaced in this case during the course of investigation. As per the medical report, the age of the victim is found to be 17-19 years and she is a major girl. It is further submitted that there is no sign of fresh sexual assault on the victim as per Annexure-3. The victim in her statement recorded under Section 164 has not stated the name of the petitioner. The co-accused person has already been granted anticipatory bail by this court vide order dated 22.02.2024 passed in Cr. Misc. No. 4412 of 2024. The petitioner has one criminal case in which he is on bail as stated in para 3 of the bail petition. The petitioner is in custody since 30.11.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

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, Araria in connection with Mahila (Araria) P.S. Case No. 62 of 2022 (Special POCSO Case No. 33/2023).

7. The application stands allowed.

(Chandra Prakash Singh, J)

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