

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24488 of 2025

Arising Out of PS. Case No.-46 Year-2024 Thana- Bargaon District- Darbhanga

Naushad Alam @ Naushad S/O Mohammad Sabbir R/O Sankani, P.S.-
Kanhai, District - Darbhanga, State- Bihar, 847203.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Salma Khatoon W/O Md. Anwarul R/O Gram- Bardaha, P.S- Bargaon,
Distt.- Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adil Abbas, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 19-05-2025 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 70(1) and 3(5) of the Bhartiya Nyaya Sanhita and Sections 4 and 8 of the POCSO Act.

3. The case of the prosecution is that on 03.08.2024, the daughter of the informant went for cutting the grass in the field, in the meantime, accused Nadeem along with three other accused persons tied a towel around her mouth and took her to the orchard where all the accused persons put some substance in cold drink and thereafter, gang-raped her. After the said incident, she was left at the side of the road going towards village.



Somehow after gaining consciousness, she with the help of the people of village came home.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. It is further submitted that the occurrence is of 03.08.2024 whereas the F.I.R. has been lodged on 07.08.2024. Learned counsel for the petitioner has submitted that in this case, the name of the petitioner is not there in the FIR rather his name has surfaced on the basis of confessional statement of co-accused Kallimuddin. Learned counsel for the petitioner has also referred the order of this Court passed in Cr. Misc. No. 79995 of 2024 wherein the statement of the victim under Section 164 of the Cr.P.C. was discussed in which she has stated the name of only Nadeem and other three persons. During course of investigation, no TIP was conducted. From medical report, it also transpires that the doctor has found no sign of sexual intercourse. As per the prosecution story, there has been gang-rape with a girl of 14 years and doctor has found no remarkable thing or any injury on any part of the body. Moreover, the name of this petitioner has not been taken by the victim. A statement has been made in para-3 of the petition that



petitioner has no criminal antecedent and he is languishing in judicial custody since 20.09.2024.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (POCSO Act), Darbhanga in connection with Bargaon P.S. Case No. 46 of 2024.

(Ashok Kumar Pandey, J)

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