

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48194 of 2024

Arising Out of PS. Case No.-18 Year-2023 Thana- MAHILA P.S. District- Kishanganj

Md. Munna @ Md. Munna Alam @ Sabbir Alam S/O Md Mustafa R/O
Village-Faringoal Ward No. 09, P.S- Kishanganj, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pyari Begum D/O Md Talim R/O Village- Faringola Ward no. 09, P.S- Kishanganj, Distt.- Kishanganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Prem Kumar Jha, APP
For the O.P. No. 2	:	Mr. Md. Akhtar Hussain, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

8 20-02-2025 Heard learned counsel for the petitioner; learned counsel for the O.P. No. 2, Mr. Md. Akhtar Hussain and learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Section 376(3), 341, 323, 307, 506/34 of the Indian Penal Code and Section 4 of the POCSO Act.

3. The case of the prosecution is that the petitioner has committed rape with the informant on the knife point. It is further alleged that when the informant started crying, villagers arrived and caught the petitioner. They were brought to the courtyard of Sahabuddin. Meanwhile, other persons arrived and



started assaulting the family members of the informant. It is further alleged that Abdul Khalique received head injury due to which he died. One more FIR regarding this occurrence was filed. In that FIR, it has been stated that Munna has assaulted with a bamboo on the head of Abdul Khalique due to which he died.

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 that the petitioner is languishing in judicial custody since 18.05.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submits that from both the FIR's, it transpires that the allegation against the petitioner is two fold. One is that of committing rape with the informant of Kishanganj Mahila P.S. Case No. 18 of 2023 and assaulting Khalique with bamboo. In the FIR of Kishanganj P.S. Case No. 167 of 2023, presently both are amalgamated. There is direct allegation against the petitioner. Though, from medical report, there is no specific observation. From perusal of the *post-mortem* report, it transpires that the deceased has received *ante-mortem* injuries and has also received injuries on head and there is direct



allegation against this petitioner of assaulting on head.

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 not inclined to enlarge the petitioner on bail.

7. However, the petitioner will be at liberty to renew his prayer for bail after six months if the trial does not conclude.

(Ashok Kumar Pandey, J)

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