

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71836 of 2024

Arising Out of PS. Case No.-32 Year-2024 Thana- MAHILA P.S. District- Samastipur

MD. NAZIR HASAN @ MD. NAZIR HUSSAIN @ NAZIR HASAN S/o-
Late Md. Mansur Alam Village- Mohanpur Boriya Ps- Vibhutipur , Dist-
Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. SHAGUPTA PARVEEN W/o- Md. Shahnawaj Village- Mohanpur W.No-15,
Po- Mathi Ps- Vibhutipur Dist- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar, Advocate
For the Opposite Party/s : Mr.Narsingh Tanti, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 22-01-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in Mahila P.S. case No. 32
of 2024 instituted for the offences under Section 376 of the
Indian Penal Code and Sections 4 and 6 of POCSO Act.

3. Prosecution allegation, in short, is that the petitioner
allured minor daughter of the informant, took her to his home
and committed rape on her.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case.
Learned counsel for the petitioner submits that the informant
with *mala fide* motive instituted case against the petitioner. The



date of occurrence is said to be 16.04.2024 for which written application was submitted on 10.05.2024 and F.I.R. was registered on 22.05.2024 after a delay of 36 days. There is subsisting land dispute between the petitioner and father-in-law of the informant and there are series of litigations between the petitioner and the informant. Further, there is contradiction in the fardbeyan and the statement of the victim recorded under Section 164 Cr.P.C. The medical examination did not corroborate with allegation made by the informant in the F.I.R. On completion of investigation, charge-sheet was submitted under Sections 324 and 354B I.P.C. and Section 8 of POCSO Act. The petitioner is in custody since 22.06.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned A.P.P. further submits that considering the allegation, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, delay in lodging of F.I.R. and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Court below/concerned Court in connection with Mahila P.S. case No. 32 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) The petitioner will not hamper the trial or temper with any prosecution evidence. If he is found involved in such incidence, the prosecution shall have liberty to take steps for cancellation of bail granted to the petitioner.

(Rudra Prakash Mishra, J)

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