

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20335 of 2012

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Khurshid Alam @ Md. Khurshid Alam S/O Late Abdul Alam @ Md. Sattar
Resident Of Village- Aghari, P.S.- Katra, District- Muzaffarpur.

.... Petitioner/s

Versus

The State Of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Sahanwaj Ali, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh No. 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

2 31-05-2012 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in Katra P.S. Case No. 159 of
2011 dated 18.09.2011 registered for offence under Section 376 of
the Indian Penal Code.

Learned counsel for the petitioner submits that though
he is named in the F.I.R. and the allegation is of rape but the story
in the F.I.R. as well as the medical report of the so called victim
girl negate such story. Learned counsel submits that as per the
allegation, the minor daughter of the informant had come to the
house of the petitioner for tuition and when the informant forcibly
entered the room, he found that the petitioner had committed rape
and accordingly F.I.R. was lodged. It is submitted that the
petitioner lived in his house along with his mother, wife and other
family members and thus it is impossible to imagine that he would

commit such act in his own house. Learned counsel further submits that in the medical report neither evidence of internal or external injury nor any spermatozoa has been found. The typed copy of the injury report has been made Annexure-2 in the present application. Learned counsel further submits that even as per the F.I.R., there is no explanation as to how and why the informant came to the house of the petitioner and further why he forcibly entered into the room. It is submitted that the story as made up in the F.I.R. and the medical report clearly prove that the petitioner has been falsely implicated for oblique reasons.

Learned A.P.P. for the State opposes the prayer for bail and submits that the petitioner is alleged to have committed the offence with a minor girl and does not deserve bail.

Upon hearing learned counsels for the parties and considering the facts and circumstances of the case, the abovenamed petitioner is directed to be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Muzaffarpur in connection with Katra P.S. Case No. 159 of 2011.

This application, accordingly, stands disposed off.

(Ahsanuddin Amanullah, J.)

Anjani/-