

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23633 of 2015

Arising out of PS.Case No. -140 Year- 2013 Thana -ARARIA District- ARARIA

Md. Firoz @ Md. Firoz Alam, son of Md. Ilyas, resident of village- Dhama,
Police Station- Raniganj, District- Araria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Md. Naushad Uzzoha, Advocate.

For the Opposite Party : Mr. Sadanand Paswan (Spl.App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 12-08-2015 The petitioner is languishing in custody since 30.04.2013 in connection with Araria P.S. Case No. 140 of 2013 for the offences instituted under Sections 376(G) and 120(B) of the I.P.C. Later on, Section 3(1)(xii) of the SC/ST (Prevention of Atrocities) Act) was also added. Subsequently, charge has been framed under Sections 376(D), 201 of the Indian Penal Code and 3(1)(vii) of the SC/ST (Prevention of Atrocities) Act.

Heard learned counsel for the petitioner and learned counsel for the State.

The prosecution story, in brief, is that Amirka Kumari alias Boukia, informant of the case, has alleged that she is handicapped by birth and she used to cut grass and root out of grass in jute field with another ladies, on the alleged day of



occurrence, after rooting out the grass from the jute field, she stayed there for cutting grass and said to other ladies that send her mother and began to cut grass in the maize field near brick-kiln, in the meantime, Firoz came and caught her hold from behind her and with her odhani closed her mouth and Taksir @ Tausif and Manjar helping Firoz and Firoz forcibly committed rape on the prosecutrix in the maize field. In the meantime, her mother came in search of her and caught hold of Firoz but Taksir and Manjar were hidden themselves, then her mother went to the owner of brick-kiln and the informant also started to go to her home, in the meantime, Tausif and Manjar again caught hold of her and closed her mouth and took her in the office of brick-kiln and made her naked and committed rape upon the informant and from that place, the informant was hearing the sound of owner of brick-kiln for releasing Firoz and was giving Rs. 200/- to the mother of the informant, in the meantime, Firoz Alam, also came in the office and he also committed rape again on the prosecutrix and when her mother came with Pappu they, took her to the field of Maize and accused Firoz put the cloth to the informant when she was not conscious.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 30.04.2013 and the charge sheet has

been submitted in the present case. The petitioner has got no criminal antecedent. He is implicated in the present case due to mistake of fact.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Ist Additional Sessions Judge, Araria, in connection with Sessions Trial no. 620 of 2014, arising out of Araria P.S. Case No. 140 of 2013.

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(Sudhir Singh, J)