

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23290 of 2021**

Arising Out of PS. Case No.-19 Year-2020 Thana- MAHILA PS District- Jehanabad

MD. SONU ALAM S/o Md. Safi Alam R/o Mohalla- Gareriya Khand, P.S.
and District- Jehanabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath

For the Opposite Party/s : Mr.A.PP.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

5 18-11-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks bail in connection Jehanabad (Mahila)
P.S. Case no. 19 of 2020 registered for the offence punishable
under sections 376(D) and 377/34 of the Indian Penal Code.

The informant has alleged that while she was on walk
in a park, four persons accosted her and took her in godown and
committed rape upon her. Further that she identified Sahzad,
Mister and son of Habis along with one unknown person.

Learned counsel for the petitioner submits that during
course of investigation, husband of the informant identified
Bare, Sonu Alam, Sahzad and Mister. He next submits that
unknown person was identified by husband of the informant as
Sonu Alam and the said Sonu Alam was having affair with the



informant. The learned counsel for the petitioner further submits that since the informant was in love with Sonu Alam, as such she does not disclose the name of the petitioner in the FIR and when her husband came to know about the affair the present false case came to be instituted, further the learned counsel submits that even the injury report does not corroborate rape.

Learned APP after going through the case diary submits that the informant in her 164 Cr.P.C statement has taken name of three persons including this petitioner and has stated that they committed rape. As far as injury is concerned, learned APP submits that doctor has opined that there is no injury on private part nor there is any external injury.

Considering the facts that petitioner is in jail custody since 24.08.2020 and charge sheet has been submitted and rape does not get corroborated, the petitioner is directed to 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 the Sub divisional Judicial Magistrate, Jehanabad in Jehanabad (Mahila) P.S. Case no. 19 of 2020.

(Satyavrat Verma, J)

s.hassan/-

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