

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33636 of 2020

Arising Out of PS. Case No.-59 Year-2020 Thana- MAHILA P.S. District- Araria

SAHIL Son of Md. Sahid @ Md. Shahid Resident of Village - Kharhiya Basti
Near Idgah Chowk, Police Station and District - Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana
For the Opposite Party/s : Mr. Md. Arif

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 15-01-2021 Learned counsel for the petitioner is directed to

remove the defects, as pointed out by the office, within a period

of four weeks.

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

The petitioner seeks bail in a case registered under
Sections 376(D) of the Indian Penal Code.

Allegation is that on the pretext of learning driving of
motorbike the petitioner along with the victim came at the
ground of school in the night at 8.30 p.m. and after practicing
the petitioner was returning back with the victim, he brought her
at lonely road and stopped his bike on pretext of urination and
went away to some distance. Then four unknown persons came
and dragged away the victim at bamboo clumps and committed



gang rape with her.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 10.07.2020 and has got no criminal antecedent. Charge sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused due to mistake of fact. When the victim was being carried away by the miscreants, the petitioner did not protest against the said miscreants. Hence he has been made accused in the present case. There is no allegation against the petitioner for commission of rape.

On behalf of the State, it is 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 bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Araria in connection with Araria (Mahila) P.S. case No.59 of 2020.

Narendra/-

(Sudhir Singh, J)

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