

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39020 of 2020

Arising Out of PS. Case No.-30 Year-2019 Thana- MAHILA P.S. District- Araria

MD. FAIZAN @ FAIZAN @ MD. NAWAB son of Md. Arif Resident of
Village- Baturbari Tola, Ward No. 04, Jhauwa, P.S.- Tarabari, District- Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Sharma
For the Opposite Party/s	:	Mr. B.N. Pandey, APP
For the Informant	:	Mr. Sanket

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-09-2021 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant through virtual mode.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in a case registered under Sections 376(D) and 506 of the Indian Penal Code.

The prosecution allegation, in short, is that the accused person committed rape on the informant.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused due to mistake of fact. A petition has been



filed on behalf of the Informant in the Court below in which the informant has retracted from the statement made in the F.I.R. The said petition is Annexure-P/2 to the present application. The said fact is supported by the learned counsel appearing for the informant.

On behalf of the State and the informant, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Mahila P.S. Case No. 30/19, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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