

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5351 of 2022

Arising Out of PS. Case No.-103 Year-2021 Thana- BHELDI District- Saran

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1. Md Khalid Rasid @ Guddu Son of Harun Rasid @ Harun Ansari R/o Village- Aarna, Police Station- Bheldi, District- Saran at Chapra.
 2. Saukat Ali @ Shawkat Ali Son of Samsul Hodda @ Shamsul Hoda Ansari Resident of Village- Aarna, Police Station- Bheldi, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Binod Singh, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab, App

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 08-06-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Bheldi P.S. Case No. 103 of 2021 registered for the offences punishable under Sections 341, 323, 448, 376, 504, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that both the petitioners are in custody since 24.10.2021, are persons with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioners submits that as per



the allegation stated in the F.I.R is that on 26.03.2021 at about 11:45 pm, when informant was alone, co-accused Gulam Sarver came to her house and committed rape upon her. In the meantime, cousin brother of informant came with food then he heard cry of the victim and also heard that the accused was threatening to kill her then he locked the door and raised hulla. In the meantime, Gulam Sarver called his family members through his mobile thereafter, all the accused persons came having armed with lathi, danda and rod and broke the lock of the door and all the accused persons entered into the house and took out Gulam Sarver. Informant identified all the accused persons and when Pattidar of informant came and asked about the matter then all the accused persons started assaulting them. Further, father of informant came then informant narrated the story.

It is submitted on behalf of the petitioner that specific allegation of commission of rape is against co-accused Gulam Sarver.

Learned counsel for the petitioners submits that the allegation is about assaulted upon the victim's family members, there is no injury report before this Court.

Learned counsel for the petitioner further submits that



the petitioner has falsely been implicated in this case due to land dispute and also there was a proceeding under Section 144 Cr.P.C. is also pending before S.D.M Sadar, Chapra against the informant's family members. It is also submitted that there is no allegation of offence under Section 376 of the Indian Penal Code against the petitioners and further there is no allegation against the petitioners mentioned in the statement of the victim recorded under Section 164 Cr.P.C. It is further submitted that the other co-accused has also been granted bail by this Hon'ble Court vide order dated 09.03.2022 passed in Cr. Misc. No. 40715 of 2021 and anticipatory bail application bearing Cr. Misc. No. 43977 of 2021 were also four persons were granted bail vide order dated 17.12.2021 and vide Annexure 4 other accused have also been granted bail by this Hon'ble Court except Gulam Sarver.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the fact that the petitioners are in custody since 24.10.2021, charge-sheet has been submitted in the case and the petitioners are persons with clean antecedent, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two



sureties of the like amount each to the satisfaction of the learned
Judicial Magistrate, Saran at Chapra in connection with Bheldi
P.S. Case No. 103 of 2021.

(Khatim Reza, J)

Gaurav Kumar/-

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