

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34422 of 2022**

Arising Out of PS. Case No.-178 Year-2019 Thana- MAHILA P.S. District- Araria

RAIS @ RAISH S/o Azim @ Azeem R/o village- Bagdahara, P.S.- Jokihat,
District- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.Bhanu Pratap Singh

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 27-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Araria Mahila P.S. Case No.178 of 2019, registered for the offence punishable under Section 376(D) of the Indian Penal Code.

The petitioner and other co-accused persons are said to have committed rape with the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has got one criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted that in the trial, co-accused, Munna @ Matin and Khurshid have already been acquitted. It is submitted that the informant has deposed before the Court of



Sessions in S.T. No.191/21 that none has committed rape with her (Annexure-3). The medical report does not support the prosecution case. The informant has supported the prosecution case only in her statement recorded under Section 164 of the Code of Criminal Procedure.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioner.

Taking into consideration the facts aforesaid and the fact that the victim deposed before the Court of Sessions in S.T. No.191/21 that none has committed rape with her, let petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing the bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-Vth, Araria in connection with Araria Mahila P.S. Case No.178 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

Sanjay/-

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