

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8116 of 2023

Arising Out of PS. Case No.-49 Year-2022 Thana- MAHILA P.S. District- Araria

TAHZIM @ PINTU S/o Nayeem @ Naimuddin R/o Village- Kursail ward no. 07, P.S.- Jokihat (Mahalgaon), Distt- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mukesh Kumar Rana, Adv.
For the Opposite Party/s	:	Mr.Ram Anurag Singh, APP
For the Informant	:	Mr.Ranjeet Choubey, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 2 17-04-2023 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. Petitioner apprehends his arrest in a case registered for the offence punishable u/s 341, 323, 354, 376, 504, 506/34 IPC.
3. Allegation against the petitioner is of committing rape upon the victim on many occasions on the pretext of marriage.
4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. The statement of the victim was recorded u/s 164 Cr.P.C., in which, she has supported the prosecution case. In this regard, learned counsel for the petitioner has relied upon the judgment



of the Apex Court in the case of ***Sonu @ Subhash Kumar Vs. State of Uttar Pradesh & Anr.*** passed in ***Criminal Appeal No.233 of 2021 dated 01.03.2021.***

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that there is direct allegation against the petitioner and victim has supported the prosecution case.

6. Having regard to the facts and circumstances of the case, considering the judgment of the Apex Court in ***Sonu (supra)*** case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Araria (Mahila) P.S. Case No.49 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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