

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20819 of 2022**

Arising Out of PS. Case No.-158 Year-2021 Thana- AAJAM NAGAR District- Katihar

MD. MUSTAQUIM @ TUKU SON OF JALALUDDIN R/O VILLAGE-
MARWATPUR, P.S.- AZAMNAGAR, DISTRICT- KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abdul Wadood, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 06-01-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State through virtual Court

proceedings.

The petitioner seeks bail in a case registered for
the offences punishable under Sections 341, 323, 379, 376,
504, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 21.01.2022, is a person with
clean antecedent.

The informant alleges that her husband resides
outside and on 24.06.2021, at 3:00 A.M., when she had
gone to attend the call of nature, when she was intercepted
by the petitioner who took her forcefully to a shop and



committed rape and on alarm her mother-in-law came, when the accused fled, it is next alleged that on 02.07.2021, a panchayati was conducted but the petitioner did not participate and on 04.07.2021, again the accused persons came and abused and assaulted her and threatened not to institute any case.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that the date of occurrence is 24.06.2021, and the FIR has been instituted on 9.07.2021, that is after a delay of 15 days, it is further submitted that it absolutely does not stand to reason that as to why the FIR was instituted after such a delay when as per the allegations in the FIR, it is alleged that panchayati was also conducted, it is thus submitted that if the informant could go for panchayati then she could have instituted an FIR immediately also, it is next submitted that during the course of investigation it has come that the petitioner and the informant were known to each other and the injury report also does not support rape.

Learned A.P.P. for the State vehemently opposes



the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent and charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten 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 Azamnagar P.S. Case No. 158 of 2021.

(Satyavrat Verma, J)

GauravSinha/-

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