

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37984 of 2023

Arising Out of PS. Case No.-1 Year-2023 Thana- MAHILA P.S. District- Araria

Sargub Alam @ Md. Matloob @ Md. Sargub Alam @ Nazim Son Of Sajjad
R/O Vill - Rampur Mohanpur (West), Ward No. 6, P.S. - Araria (Bairgachhi
O.P.), Distt. - Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-08-2023 Heard learned counsel for the petitioner, informant
and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 376, 448,
506 of the Indian Penal Code.

3. Petitioner is said to have committed rape with the
informant.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has been falsely implicated in this
case. He submits that occurrence took place on 21.12.2022 but
the FIR has been lodged on 11.01.2023 after delay of 20 days
without explaining any reasonable cause of delay. He submits
that the present case has been brought by the informant for
making undue pressure upon him to restore her matrimonial life



after divorce with the petitioner while the petitioner divorced her before a Panchayati and all the gifted article has already been returned. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

5. Learned APP for the State and learned counsel for the informant opposing the prayer for bail submit that the victim in her statement recorded under Section 164 Cr.P.C. has supported the prosecution case.

6. Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Araria Mahila P.S. Case No. 01 of 2023.

7. However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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