

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43818 of 2023**

Arising Out of PS. Case No.-14 Year-2022 Thana- MAHILA P.S BAGHA District- West
Champaran

Saheb Rao @ Mithilesh Rao @ Mithlesh Rao S/O Shree Rao R/O Village-
Sirisiya, P.S- Bhairoganj, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

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

2 18-08-2023 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 341, 323, 354, 376, 504, 506/34 of the Indian Penal Code and later on added Section 302, 120B, 201/34 of the IPC.

3. As per FIR, co-accused caught hold the informant from behind and committed rape on her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that there is no specific overt act against the petitioner. He submits that there is specific overt act against co-accused Pappu Singh who is already in judicial custody. He submits that the similarly situated co-accused has already been



granted bail by this Court vide order dated 14.03.2023 passed in Cr. Misc. No. 45940 of 2022. 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 oppose the prayer for bail.

6. Considering the facts and circumstances of the case, let the above named petitioner 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 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 Bagaha (Mahila) P.S. Case No. 14 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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