

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48718 of 2023

Arising Out of PS. Case No.-14 Year-2021 Thana- MAHILA P.S. District- Araria

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EKLAKH @ MD. EKHLAQUE Son of Najam @ Md. Nazam Resident of
village - Haldiya, P.S. - Forbesganj, Distt. - Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha
For the Opposite Party/s : Mr.Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 20-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for regular bail has been filed
by the petitioner registered for the offence punishable under
Sections 376(D), 341, 323, 307/34 of the Indian Penal Code.

AS per allegation in the FIR, co-accused Md. Sahjad
was in love with the informant and was in habit of establishing
physical relationship with the informant and subsequently he
denied to marry the informant. It is further alleged that
petitioner along with other co-accused persons started to torture
the informant and threatened her to make the photos viral if she
not agree for physical relationship with them. Thereafter, they
also committed rape with her.

Learned counsel appearing on behalf of the petitioner



has submitted that petitioner is innocent and has committed no offence. Specific allegation of establishing physical relationship is against co-accused Md. Sahjad, who denied marry with her later on. Victim/informant is major of 20 years and as per medical report, no evidence of fresh sexual assault was found. Petitioner has no concern with the alleged offence. Petitioner is languishing in judicial custody since 21.3.2023.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Araria in connection with Mahila P.S. Case No. 14 of 2021.

(Sunil Kumar Panwar, J)

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