

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48848 of 2022

Arising Out of PS. Case No.-111 Year-2020 Thana- MAHILA P.S. District- Araria

MD. ISTAKHAR, S/o Md. Usman, R/o village- Birnagar, P.S.- Bhargama,
District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate
For the State : Mrs. Sharda Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 25-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 366, 376A, 341, 323, 307 and 504 of the Indian Penal Code.

As per the prosecution case, the petitioner and the co-accused persons are alleged to have kidnapped the informant on the point of pistol and committed rape on her forcibly by one after another till 3 O'clock.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case.



The occurrence took place on 26.10.2020 and the victim was examined on 27.10.2020 whereas the statement of the victim was recorded under Section 164 Cr.P.C. on 01.12.2020. The petitioner is not named in the F.I.R. As per medical report, there is no evidence of sexual assault. The petitioner has got clean antecedent as stated in para 3 of the bail petition.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner by submitting that the victim in her statement recorded under Section 164 Cr.P.C. has stated the name of the petitioner in the crime alleged.

Considering the aforesaid facts and circumstances of the case as well as the fact that there is no evidence of sexual assault, let the above named petitioner, in the event of his arrest/ surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/-(Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Araria in connection with Araria (Mahila) P.S. Case No. 111 of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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