

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52308 of 2022

Arising Out of PS. Case No.-2 Year-2021 Thana- MAHILA PS District- Katihar

Sagar @ Mohammad Sagar S/O Md. Naiyyar R/O Village- Sikatiya, P.S.-
Azamnagar, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimal Kumar, Advocate
For the Informant/s	:	Mr. Sanjeev Kumar Singh, Advocate
For the State	:	Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 21-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner, learned APP for the State as well as learned counsel for the informant.

Petitioner seeks regular bail in connection with Mahila P.S. Case No. 02 of 2021 registered for the offences punishable under Sections 376, 341, 504/34 of the Indian Penal Code.

As per the prosecution, the informant (victim) alleged that this petitioner has forcefully committed rape on the victim for two days.

The main submissions advanced by learned counsel



Mr. Bimal Kumar, appearing for the petitioner are that the FIR of the instant matter was lodged five months after the alleged commission of the main incident of abduction and while recording her statement under Section 164 of Cr.P.C., the said victim revealed that she was a married lady and her husband left her and the petitioner was not agreed to marry her and the said facts clearly show that the victim was having loose character and the petitioner has fair and clean antecedent. Further submission is that the petitioner himself surrendered before the court below and has been languishing in jail since 27.05.2022 and in the medical examination of the victim nothing to support her allegations was found by the prosecution.

Learned APP Mr. Chandra Sen Prasad Singh, appearing for the State as well as learned counsel Mr. Sanjeev Kumar Singh for the informant has vehemently opposed the prayer for bail and submitted that against the petitioner there is a specific allegation of rape and the trial of the petitioner has started and about four witnesses have been examined.

In view of the facts, as stated above and mainly considering the in-ordinate delay in lodging the FIR by the informant regarding which no satisfactory explanation has been given by the prosecution and the petitioner's custody period and



also that his trial has been started, in my view, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named- above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Mahila P.S. Case No. 02 of 2021.

(Shailendra Singh, J.)

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