

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59396 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- MAHILA P.S. District- Purnia

MD. KHALID son of Late SK. Rafique Village- Lalganj Ps- Marnga Dist-
Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Helal Ahmad

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 01-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 376, 313, 506 of the Indian Penal Code.

3. As per prosecution case, the petitioner is alleged to have committed rape with the informant who is step mother of the petitioner. He also threatened the informant to commit rape if she does not marry to him.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is stepson of the informant due to which he has falsely been implicated in this case. The FIR has been lodged after delay of about six months from the alleged occurrence without



explaining reason of delay. It is also submitted vide para 10 & 11 of the petition that the father of the petitioner was murdered by Md. Aslam, Anjali & others in which, this petitioner was informant. Thereafter, the informant of this case solemnized marriage with Abrarul Haue who is son of the Md. Aslam and has compromised the said case with the accused persons. But the petitioner was against the said marriage and compromise of marriage due to which, the accused persons of K. Hat P.S. Case No. 530 of 2020 conspired and falsely been made accused in the present case. The Victim/informant is a major and married lady. The petitioner has got no criminal antecedent as stated in para-3 of the bail petition and is languishing in judicial custody since 14.5.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Purnea Mahila P.S. Case No. 05 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Purnea or
concerned Court.

(Sunil Kumar Panwar, J)

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