

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 61476 of 2023

Arising Out of PS. Case No.-169 Year-2023 Thana- KATIHAR MUFFASIL District- Katihar

MD. IQUABAL @ MD. IKBAL SON OF LATE GODHA MIYAN
RESIDENT OF VILLAGE - RAGHUNICHAK, POLICE STATION -
MANSAHI, DISTRICT - KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Mandal, Advocate

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 17-10-2023 1. Heard learned Counsel for the petitioner and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Muffasil PS case no. 169 of 2023, disclosing offences punishable under Section 376 and other allied sections of the Indian Penal Code.
3. As per the First Information Report, on 27.07.2023 in the night hours, while the informant was sleeping in her room, in the meanwhile, accused Md. Farookh entered inside, on the pretext of marriage committed rape upon her. On alarm being raised by the informant, family members woke up and caught hold of Md. Farookh. At about 12.30 pm, the petitioner along with 10-15 unknown persons came, abused and assaulted the informant and taken away Md. Farookh from the house of informant.



4. Learned Counsel for the petitioner submits that petitioner has falsely been implicated in this case due to the fact that petitioner happens to be maternal uncle of co-accused Md. Farookh and said Md. Farookh is in custody since 14.08.2023 and there is no allegation of rape against the petitioner.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the materials available on record and the fact that the allegation of rape is not against the petitioner but against co-accused Md. Farookh, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st class, Katihar in connection with Mufassil PS case no. 169 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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