

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62415 of 2023

Arising Out of PS. Case No.-54 Year-2022 Thana- MAHILA P.S. District- Purnia

Md Afaque Alam @ Md Afaque Son Of Md Touhid @ Tauhid Alam Resident
Of Village- Bhameth, Ps- Bhawanipur, Distt- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Prawesh Kumar, Advocate
For the State	:	Mr. Mukesh Kumar Singh, APP
For the Informant	:	Mr. Md. Fazle Karim with Mr. Kuldeep Kumar, Advocates

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 18-12-2023 Heard learned counsel for the petitioner, informant
and learned APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 323, 379, 376, 504/34
of the Indian Penal Code.

3. The allegation against the petitioner is of
committing rape upon the informant, when she went to attend
call of nature. It is further alleged that the accused persons went
to the house of informant and assaulted her family members.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. He submitted that victim is a major and
married lady and during investigation several independent



witnesses have not supported the prosecution case, which has come in vide paras- 17, 18, 19 and 20 of the case diary. There has been delay of about one and a half month in lodging the FIR. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 30.05.2023.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant and submitted that the victim has supported the prosecution case in her statement recorded u/s 164 of the Cr.P.C.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, 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 C.J.M., Purnea in connection with Mahila P.S. Case No. 54 of 2022.

(Sunil Kumar Panwar, J)

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