

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60123 of 2022

Arising Out of PS. Case No.-674 Year-2022 Thana- ARARIA District- Araria

Atik @ Md. Atique, S/o Kalam R/v- Muballa, Ward No. 01, P.S. and District -
Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-01-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Araria
P.S. Case No.674 of 2022 registered for the offence punishable
under Section 376 of the Indian Penal Code.

As per the case of the informant, she has developed
intimacy over phone with the petitioner, who has allured her and
subjected her to sexual intercourse thrice. On 07.08.2022, she
has again been called by the petitioner to an isolated place
where the local villagers have apprehended the petitioner and
asked him to solemnize marriage with the informant.

Learned counsel for the petitioner submits that even
as per the prosecution case, the FIR has been lodged three days



after the petitioner was allegedly apprehended by the local villagers. The prosecution case, as narrated in the FIR, does not make out any offence under Section 376 I.P.C. The victim, conscious of false implication, has got her medical examination done two months after the alleged occurrence. The entire exercise is to force the petitioner into marriage with the informant. Having no antecedents, the petitioner has remained in custody since 11.08.2022.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, the manner of petitioner's implication, delay manifest from the FIR itself, his clean antecedents and investigation being complete, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, 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 Chief Judicial Magistrate, Araria, in connection with Araria P.S. Case No.674 of 2022, subject to the following conditions:

(i) That one of the bailors will



be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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