

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69519 of 2023

Arising Out of PS. Case No.-54 Year-2021 Thana- MAHILA P.S. District- Araria

MD. SAJJAD Son of Late Doman R/o vill - Uda, ward no. 05, P.S - Jokihat
(Mahalgaon), Distt. - Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 447, 376D, 504, 506/34 of the Indian Penal Code.

3. As per F.I.R., the informant alleged that petitioner along with co-accused Harun had forcefully raped her and also threatened to kill her if she told anybody about the incident.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. There is a case and counter case between the parties. He further submits that the petitioner has earlier lodged a case against husband of the informant since petitioner's minor daughter has been raped by the husband of the informant and due to only in order to put pressure, the present case has been



falsely lodged by the informant. The age of petitioner has been wrongly mentioned in the F.I.R. as 35 years but his actual age is 72 years and he is even unable to do his daily life routine. There is also four days delay in lodging of F.I.R. He further submits that after investigation, the police has filed the final form against the petitioner but the Court below deferring the final form. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes prayer for anticipatory bail.

6. Considering the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Mahila P.S. Case No. 54 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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