

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80446 of 2023

Arising Out of PS. Case No.-205 Year-2023 Thana- BIRPUR District- Supaul

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MUKTI ASLAM @ MD. ASLAM S/O MD. MAQBUL R/O VILLAGE-
BAIRIYA ARAZI, WARD NO. 08, P.S- BIRPUR, DISTT.- SUPAUL.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. BIBI ROUSHAN JAHAN W/O MD. JARJISH R/O VILLAGE- BAIRIYA
ARAZI, WARD NO. 08, P.S- BIRPUR, DISTT.- SUPAUL.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-12-2023 Heard Mr. Arun, learned counsel for the petitioner and Mr.
Dilip Kumar No.1, learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 376, 511 of the
Indian Penal Code.

3. Allegedly, petitioner is said to have entered the house of
the informant by opening the back gate of her courtyard and
caught her from behind with bad intention and attempted rape
with her due to which her cloths were torn.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. No
such occurrence as alleged ever took place. He has been falsely
implicated in this case due to ulterior motive. The allegation
levelled against the petitioner is totally false and based on



concocted facts. There is dispute regarding Panchayat Election between the parties. He further submits that offence under Section 376 is not applicable against the petitioner. There is inordinate and abnormal delay of 14 days in filing the complaint petition, which creates serious doubt about the prosecution case. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Considering the facts and circumstances of the case as well as arguments of the parties, as there is political rivalry between the parties, 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 Birpur P.S. Case No. 205 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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