

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24763 of 2024

Arising Out of PS. Case No.-98 Year-2021 Thana- MAHILA P.S. District- Araria

Md. Mumtaz @ Mumtaz SON OF MUSTAQUE @ MD. MUSHTAK
RESIDENT OF VILLAGE- SATGHARA PS- JOKIHAT , DIST- ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana

For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 376(D) of the Indian Penal Code.

3. As per prosecution case, in absence of informant's husband, accused persons including the petitioner entered into the house of the victim and they sat her down on motorcycle forcibly and brought her to Rupa brick kiln where they forcibly committed rape with her. They also gave her life threatening if she discloses the matter to anyone.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The victim is a married



lady, aged about 35 years old. It is also submitted that during investigation, witnesses of the case have not supported the persecution case and medical report is also not in consonance with the prosecution version. Similarly situated co-accused Nasar has already been enlarged on bail by this Court vide order dt. 31.8.2023 passed in Cr. Misc. No. 50648 of 2023. The petitioner has got no criminal antecedent as stated in para-3 of the bail petition and he is languishing in judicial custody since 8.1.2024.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Mahila P.S. Case No. 98 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Araria.

(Sunil Kumar Panwar, J)

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