

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35255 of 2024

Arising Out of PS. Case No.-110 Year-2023 Thana- SIKTI District- Araria

Mustakim Son of Niyaz Resident of Village- Sonapur (Ward No. 9), P.S.-
Sikti, dist.- Araria

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. Bibi Gulejan Wife of Ashfak Resident of Karod Dichhali, Ward No. 13, P.S.-
Palasi, Dist.- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Munish Om Prakash Singh
For the Opposite Party/s : Mr.Jai Narain Thakur

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 27-06-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Sikti P.S. Case No. 110 of 2023 dated 16.04.2023 registered for the offence/s punishable u/ss 341, 323, 376, 504 and 506 read with section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner is alleged to have committed rape on the informant forcefully on the point of knife while she was returning after attending call of nature. When the informant informed her parents about the alleged occurrence, her parents went to the house of the accused person to complain. In the meantime, all the accused persons started



abusing and assaulting them. The accused persons also assaulted the informant with lathi and legs on her stomach.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Learned counsel has further submitted that the petitioner and the victim has already compromised the matter. There is no statutory compliance of section 164A and 53A of the Cr. P.C. The petitioner is also accused in one more criminal case as stated in para 3 of the bail petition. The petitioner is in custody since 13.03.2024.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner. The anticipatory bail application of the petitioner has already been rejected by this Court vide order dated 13.02.2024 passed in Cr. Misc. No. 2006 of 2024.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Araria in connection with Sikti P.S. Case No. 110 of 2023, with a condition/s:-

(i). The petitioner is directed to remain physically



present before the learned Court below on each and every date,
failing which on two consecutive dates without reasonable
cause, the bail bond of the petitioner is liable to cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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