

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36022 of 2023

Arising Out of PS. Case No.-107 Year-2022 Thana- JHANJHARPUR District- Madhubani

JAYAUR RAHMAN S/O LATE SAMYUR RAHMAN R/O Sangram Ward
No. 4, P.S- Jahanjharpur, Distt.- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Gazala Khatoon W/O Hasibur Rahman R/O Araria Sangram O.P. Araria,
Sangram, P.S- Jhanjharpur, Distt.- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Soban Asghar, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar, APP

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

ORAL ORDER

6 08-01-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Jhanjharpur (ASOP) P.S. Case No. 107 of 2022 dated 08.06.2022 registered for the offences punishable u/s 376 of the Indian Penal Code.

3. As per the prosecution case, when the informant was sleeping in her house, in the meantime, the petitioner entered the house of the informant and forcibly committed rape on her.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The



petitioner is the brother-in-law (devar) of the informant. It is further submitted that the petitioner has no concern with the alleged offence. There is a case and counter case between the parties. As per medical report of the victim, there is no medical evidence of sexual assault found at the time of examination of the victim. The petitioner has one criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as finding some sustance in the contention of the learned counsel for the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, 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 the learned court concerned, Madhubani in connection with Jhanjharpur (ASOP) P.S. Case No. 107 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure with further condition :-

(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 prosecution will be at liberty to move for cancellation of his bail bond.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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