

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72118 of 2023

Arising Out of PS. Case No.-14 Year-23 Thana- MAHILA P.S. District- Araria

SAMAD @ ABDUL SAMAD son of Iliyas Village- Choghariya Lahtora Ps-
Araria Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. N.K. Agrawal
	Mr. Md. Nazmul Hoda
	Mr. Kumar Rajeev
	Mr. Arvind Kumar
For the Opposite Party/s :	Mr. Anant Kumar I

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 01-02-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner has prayed for bail in a case registered for the offence punishable under Sections 341, 323, 379, 376, 504, 506 and 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that while the informant went to bring fire wood from the back of her house in the meantime the petitioner and co-accused Rahmat forcibly caught and bring her their sister's house by stuffing a cloth in her mouth and petitioner committed rape with her and co-accused Rahmat was showing knife and told her to kill her if she cried.

4. Learned counsel appearing on behalf of the



petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case due to enmity and land dispute. The F.I.R. has been lodged after the inordinate delay of 7 days without explanation of delay. The informant is a married lady aged about 20 years. It is further submitted in para 12, 13 and 14 of the petition that admittedly land dispute is going on in spite of that the informant's parents want solemnize marriage of the daughter with petitioner but same has been flatly denied by the petitioner's parents due to that this false case has been lodged. The informant was medically examined and the doctor has not found any external injury on her body and also not found any sign of recent sexual intercourse hence the entire prosecution story become suspicious. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Petitioner is languishing in judicial custody since 05.07.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged



on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Araria in connection with Araria Mahila P.S. Case No. 14 of 2023.

(Sunil Kumar Panwar, J)

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