

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75733 of 2023

Arising Out of PS. Case No.-733 Year-2023 Thana- ARARIA District- Araria

1. RAKIM Son of late Ainul Resident of Village - Farota Paiktola ward No.-10, P.S. and District - Araria
2. Hakim Son of late Ainul Resident of Village - Farota Paiktola ward No.-10, P.S. and District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 05-03-2024 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Araria PS case no. 733 of 2023, disclosing offences punishable under Sections 376/34 of the Indian Penal Code.
3. The prosecution story, as per the First Information Report, is that on 11.06.2023 in the night, petitioners along with co-accused Firoz arrived near the hut of informant and co-accused Feroz entered into the house of informant whereas petitioners remained standing outside the house. Feroz has committed rape on the informant after tying her with a cloth.
4. Learned Counsel for the petitioners submits that petitioners are own brother and co-accused Firoz Alam is their cousin brother. He further submits that the petitioners have



falsely been implicated in this case on the basis of concocted story due to money dispute. The husband of the informant had taken a loan of Rs. 4,000/- from Firoz and when the money was demanded back, a false case has been lodged.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that petitioners have not attempted rape on the informant and they remained standing outside the place of occurrence, I am inclined to grant the privilege of anticipatory bail to the petitioners.

6. This application is, accordingly, allowed.

7. Let petitioners, abovenamed, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Araria in connection with Araria PS case no. 733 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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