

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82495 of 2023

Arising Out of PS. Case No.-1 Year-2023 Thana- MAHILA P.S. District- Araria

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Sargub Alam @ Matloob @ Md. Sargub Alam @ Nazim @ Md. Matloob S/O
Sajjad R/O Village- Rampur Mohanpur (West), Ward No.-06, P.S- Araria
(Bairgachhi), Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh

For the Opposite Party/s : Mr.Murli Dhar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 19-03-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 376, 448,
506 of the Indian Penal Code.

3. As per prosecution case, allegation against the
petitioner is of causing physical assault to the informant/victim
while she was sleeping in her house.

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. From perusal of statement
of victim recorded u/s 164 of the Cr.P.C., it appears that the
victim earlier said that she was unmarried but later changed her



statement and said that she was married to the petitioner eight years ago but had taken divorce. The victim is major, aged about 22 years. It is also submitted that this case has been filed by the informant only to put pressure on the petitioner for marriage. The petitioner has got no criminal antecedent as stated in para-3 of the bail petition and he is languishing in judicial custody since 11.9.2023.

5. Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail and submitted that the victim stated in her statement about rape committed by the petitioner.

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 Araria (Mahila) P.S. Case No. 01 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V, Araria.

(Sunil Kumar Panwar, J)

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