

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79864 of 2023

Arising Out of PS. Case No.-66 Year-2021 Thana- MAHILA P.S District- Supaul

Md. Sajid Sarwar S/O Abdul Quddus R/O Village- Mohanpur Katahara, P.S-
Chhatapur, Distt.- Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Vijay Kishore Bharti, Advocate
For the Opposite Party/s :	Mr. Md. Mushtaque Alam, APP
For the Informant :	Mr. Amrit Abhijat, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 10-04-2024 Heard learned counsel for the petitioner; learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Mahila P.S. Case No. 66 of 2021 dated 21.09.2021, instituted for the offence punishable under Sections 341, 323, 366, 376(D)/34 of the Indian Penal Code.

3. The prosecution case in short, is that on 03.07.2021 at about 10:00 pm, while the informant was returning to her matrimonial house from her parental house at Mohanpur Kathara and when she was crossing the bridge near Rampur village, then accused petitioner along with two other co-accused persons namely Md. Sabir and Md. Imtiyaj and two unknown persons caught her and put the cloth in her mouth. Thereafter,



accused persons carried her in a four wheeler and blindfolded her and when she took off blindfold, she found herself in a room. It is further alleged that the accused person namely, Md. Imtiyaj gave assurance of marriage and locked her in a room and thereafter all the accused persons named in the F.I.R. committed rape with her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the main allegation is against co-accused namely Md. Imtiyaj, who has been granted bail vide order dated 17.10.2023 passed by this Court in Criminal Miscellaneous No. 64394 of 2023, by a detailed order. There is a delay of about two and half months in lodging the F.I.R. and there is no explanation with regard to such delay. Earlier, younger sister of the informant has filed a complaint case against co-accused Md. Imtiyaj Alam and his father, for kidnapping and raping the present informant in which cognizance has been taken under Section 323, 341, 504 of the I.P.C. It is further submitted that the informant and his family members are in the habit of filing false case. Lastly, it has been submitted that the petitioner has no criminal antecedents.

5. Learned A.P.P. and learned counsel for the



informant vehemently opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Mahila P.S. Case No. 66 of 2021, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M, Supaul, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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