

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2331 of 2024

Arising Out of PS. Case No.-303 Year-2023 Thana- KASBA District- Purnia

Md Sadik S/o Md. Juber R/o Village- Shikarpur Diyari, P.S.- Kasba, Distt-
Purnea

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim,Adv.

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

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

ORAL ORDER

2 19-02-2024 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 Kasba P.S. Case No. 303 of 2023 dated
26.08.2023 registered for the offence/s punishable u/ss 341, 342,
379, 376 and 506 of the Indian Penal Code.

3. As per the prosecution case, the petitioner is alleged
to have made the informant unconscious by putting the cloth on
her mouth, and took her away on his motorcycle and locked her
in a room situated at Madarsa Chowk Kaswa for 17 days and
committed rape many times forcefully. Anyhow, she managed to
flee away and informed her parents about the alleged
occurrence, thereafter a *Panchayati* was held and suggested the



petitioner to marry the victim but the petitioner refused and he also took away Rs. 17,000/- and a mobile from the informant 15 days ago.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is a delay of five days in lodging the FIR. The victim is aged about 23 years. Learned counsel has further submitted that the parents of the victim have not lodged any complaint about the traceless of their daughter. The victim is a major girl. As per impugned order, there is no compliance of section 53A and 164A of the Cr.P.C. It is further submitted that the victim has not raised any alarm while she was being taken away by the petitioner. The petitioner has no 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, 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, Purnea in



connection with Kasba P.S. Case No. 303 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further condition/s:-

(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 bail bond of the petitioner is liable to cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

guddukr/-

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