

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61374 of 2025

Arising Out of PS. Case No.-14 Year-2023 Thana- MAHILA P.S. District- Araria

Rahmat S/o Illas @ illyas R/o Village- Chaughariya, Ward No. 09, P.S.-
Araria, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate
For the State : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-08-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with Araria Mahila P.S. Case No. 14 of 2023 for the offence punishable under sections 341, 323, 379, 376, 504, 506/34 of the IPC lodged on 03.05.2023 by the informant, Juhi Khatoon.

3. As per the prosecution story, it is alleged that the lady was married to one Tafique. On the fateful day, when she went to bring fire wood, the two accused persons including this petitioner caught hold and took her to their sister's house and thereafter, while the petitioner pointed knife at her, accused Samad committed rape. She was kept captive for two days. When her family members were frequently searching her only whereafter she was released with the threatening that if she informed the police, she will be killed. The lady was pregnant at the time of rape.



Accordingly, the FIR.

4. Learned senior counsel for the petitioner submits that the main allegation is against Samad who already stands released on bail in Cr. Misc. No. 72118 of 2023 by a co-ordinate Bench of this Court vide order dated 01.02.2024. The role of the petitioner is that he was present at the spot with a knife.

5. Learned APP opposes the prayer for bail and submits that it was his presence which facilitated the accused Samad to commit rape.

6. Taking into account the submissions of the parties as also fact that the petitioner has remained in custody since 11.09.2024, has no criminal antecedent, the main culprit Samad is on bail, as recorded above, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M., Araria in connection with Araria Mahila P.S. Case No. 14 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance and at the end, the certificate be submitted before the Trial Court;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bond;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bond.

(Rajiv Roy, J)

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