

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74408 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- SUKHANI District- Kishanganj

Md. Fittu @ Rafik Alam S/o- Humaon @ Mohammad Hakim @ Humayu
Village- Tatapowa, PS- Sukhani District-Kishanganj

... .. Petitioner/s
Versus
The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 18-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Sukhani P.S. Case No. 03 of 2024 dated 24.01.2024, instituted
for the offence punishable under Sections 341, 323, 376, 506/34
of the Indian Penal Code.

3. The allegation against the petitioner is that he
committed sexual intercourse with the victim girl forcibly
against her Will.

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 date of occurrence is



17.01.2024 but the FIR was lodged on 24.01.2024 i.e. after a delay of seven days without any plausible explanation. It is further submitted that from perusal of medical report, it appears that there is no evidence of recent sexual intercourse, neither there is any indication of spermatozoa dead or alive. It is also submitted that both the parties are neighbour and due to some dispute, the present false case has been lodged. There is no eye witnesses to the alleged occurrence. It is next stated that later on the matter has been compromised between the parties and accordingly compromise petition alongwith permission petition has been filed before the learned Court below as the informant does not want to proceed in the instant case. Lastly, it has been submitted that the petitioner is in custody since 08.08.2024 having no criminal antecedents and charge-sheet has been submitted in the case.

5. Learned A.P.P. has 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, let the petitioner be released on 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 Court of Additional and



Sessions Judge- 1st – cum-Special Judge, Kishanganj in Sukhani
P.S. Case No. 03 of 2024.

(Khatim Reza, J)

Sankalp/-

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