

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83807 of 2024

Arising Out of PS. Case No.-216 Year-2022 Thana- ABADPUR District- Katihar

Md Isarul @ Isarul Hak @ Isarul Son of Md Beldar @ Jaharur Haque R/O
Village- Bhawanipur, P.S.- Abadpur, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
Mr. Vivek Jha, Advocate
Mr. Dhandev Kumar, Advocate
For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 18-03-2025 Heard learned counsel for the petitioner 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, 493 of the Indian Penal Code.

3. The case of the prosecution based on the complaint petitioner in short is that the informant was living outside for his livelihood. It is further alleged that the petitioner, upon finding the opportunity, he used to commit rape with the informant's wife namely, Akhtari Khatoon by giving threat to kill the informant.

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. He has got no criminal antecedent. From perusal of the complaint petition, it is clear that the date of occurrence is given from 10.08.2015 to 08.07.2018 and the complaint was filed on 13.08.2018. It is also submitted that in this case, medical examination of the victim was not conducted. She is a married women. The complaint was filed at belated stage. During course of investigation, the victim has given her statement under Section 164 of the Cr.P.C. wherein she has stated that five years ago, the petitioner has offered her *namkeen* and after consuming the *namkeen*, she got unconscious and she was being raped. According to the complaint petition, the occurrence took place from 10.08.2015 to 08.07.2018 but from perusal of the statement of the victim recorded under Section 164 of the Cr.P.C., it transpires that the occurrence took place in the year 2018 and as far as the story of offering *namkeen*, there is no such statement in the complaint petition. The complaint has been filed at belated stage. No medical examination is there and it has been submitted by the learned counsel for the petitioner that if there was repeated rape with the wife of the informant, she should have informed it to the concerned authorities but there is no such information on the part of the informant or his wife. It is further submitted that the



petitioner is languishing in judicial custody since 05.07.2024.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Abadpur P.S. Case No. 216 of 2022 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.-VI-Katihar.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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