

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86127 of 2024

Arising Out of PS. Case No.-733 Year-2023 Thana- ARARIA District- Araria

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Firoz @ Firoz Alam @ Md. Firoz Alam Son of Late Sirazuddin @ Late Serajuddin Resident of village - Farota Paiktola Ward No.- 10, Police Station and District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 14-02-2025 Heard learned counsel for the petitioner and the State .

2. The petitioner prays for grant of regular bail in a case registered for the offence punishable under sections 376 and 34 of the Indian Penal Code .

3 . As per the prosecution case , on 11.06.2023 at 12:00 O ‘ clock in the night , all the accused persons broke into house of informant and while informant was sleeping, co-accused persons Rakim and Hakim were standing outside and this petitioner Firoz came inside and tied her hands with dupatta, gagged her thereafter, forcibly committed rape upon her



at the point of knife .

4. Learned counsel for the petitioner submits that for the same date of occurrence , one complaint Case No. 1374 C of 2023 on 05.07.2023 was lodged by informant against co-accused Rakim, Hakim and Rabina and this petitioner under Sections 323 , 341 , 354 A , 354 B , 354 C , 504 and 34 of the IPC which was dismissed due to non appearance of the complainant (present informant). Thereafter, the present case has been lodged with a view to harass the petitioner. It is further alleged that Hasma Khatoon, wife of this petitioner, had also lodged a complaint case No. 1484 of 2023 under sections 420, 406, 379, 147, 149, 323 , 354 B, 504 and 506 of the IPC against informant and her relatives and in retaliation this present false and concocted case has been lodged by informant. Petitioner is in custody since 29.08.2024 . Chargesheet has already been submitted.

5 . Learned counsel for the State opposed the bail petition .

6. Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed.

7. Let the petitioner, as named above, be enlarged



on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate Araria in connection with Araria Police Station Case No. 733 of 2023 .

(Prabhat Kumar Singh, J)

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