

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.85467 of 2024**

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

Rahmat S/O Illias @ Illyas Resident of 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.Gopal Kumar Jha, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      21-02-2025                      Heard the parties.

2. The petitioner is custody in connection with Araria Mahila P.S. Case No. 14 of 2023 instituted under under Section 341, 323, 379, 376, 504, 506/34 of the Indian Penal Code lodged on 03.05.2023 by the informant.

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 informed to the police, she will be killed. The lady was pregnant at the time of rape. Accordingly, the F.I.R.



4. Learned counsel for the petitioner submits that main allegation is against Samad that he committed rape on the victim, the allegation on this petitioner is of having put the knife upon the victim. Learned counsel for the petitioner further submits that Samad has been granted bail.

5. Learned APP on the other hand, opposes the prayer submitting that it was the presence of the petitioner with knife which enabled Samad to rape the victim as alleged in the FIR. Further submission of the learned APP is that the occurrence is of 26.11.2023 and his anticipatory bail came to be dismissed on 01.12.2023 in Cr. Misc. No. 68338 of 2023. Still, he chose to come to the judicial custody on 11.09.2024.

6. Considering the aforesaid facts as also that a role has been assigned to the petitioner, he deliberately delayed coming into judicial custody despite being named in the FIR, in that background, for the present, this Court is not inclined to grant him relief.

7. Accordingly, the bail petition of the petitioner stands rejected.

**(Rajiv Roy, J)**

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