

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87907 of 2024

Arising Out of PS. Case No.-140 Year-2024 Thana- RAUTA District- Purnia

Najim @ Md. Nazim Son of Md. Hasim R/o Vaiiage -Sonamani Shahria Post
-Mirpur Panchayat Nandania Block Baisa PS -Nandania Rauta Distt -Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Diwakar Sinha, Advocate
For the State : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-01-2025 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 341, 342, 376, 504, 506 and 34 of the Indian Penal Code.

3. As per prosecution case, on 09.06.2024 at about 10 PM, while the informant had gone to her tube well to fetch water in the meantime, this petitioner, along with his associates named in the F.I.R. and two unknown persons, tied her mouth on the point of knife and thereafter, co-accused Anjar raped her.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is innocent and has committed no offence. It is further submitted that from bare perusal of the F.I.R. it is apparent that specific accusation of commission of rape is against co-accused Anjar. Informant is a



major and during pendency of this case, the matter has been compromised between both the parties and co-accused Anjar and the informant have solemnized marriage on 20.06.2024 and both of them are now living together as husband and wife. Copy of Nikahnama is annexed as Annexure-2 to the instant bail application. So far as this petitioner is concerned, he has falsely been implicated in this case merely because he happens to be friend of co-accused Anjar. Petitioner claims clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances, nature of accusation, compromise between the parties and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner 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 learned Chief Judicial Magistrate, Purnia, in connection with Rauta P.S. Case No. 140 of 2024, subject to condition as laid down under Section 438(2) of the



Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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