

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.12947 of 2024

Arising Out of PS. Case No.-25 Year-2023 Thana- AMDABAD District- Katihar

Md Sarfaraj @ Sarfaraj Alam S/o Fakruddin @ Mohd. Fakiruddin R/o VILL -
AMDABAD WARD NO. 02, P.S. - AMDABAD, DIST. - KATIHAR

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Bimal Kumar, Advocate

For the Opposite Party : Mr.Ram Naresh Ray, Addl Public Prosecutor

Mr. R.Ambastha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 03-05-2024 Heard learned counsel for the petitioner, the State and
the informant.

2. The petitioner seeks regular bail in a case registered
for the offence punishable under sections 376 and 498aA of the
Indian Penal Code and section 4 of the POCSO Act.

3. As per the prosecution case, in morning on 11-09-
2020, the complainant was doing house hold work at the house
of the accused, then all of a sudden petitioner who happens to be
cousin of the complainant/victim girl, finding her alone in the
house, closed the door of the room and committed rape with her
giving threat to kill her by holding her throat, due to which
bleeding started from her private part and after the occurrence
the complainant/victim went her home and narrated the entire
incident to her family members and when her parents started
going to Police Station to lodge the case, the people of village
community and the accused Fakruddin did not let them to go to
the police station and got the complainant/victim girl married to
the accused petitioner. After marriage, when the
complainant/victim girl went to her in-laws house, petitioner
left the house and fled away. Two months back, when the
complainant/victim girl was at her in-laws house, all the co-
accused persons assaulted the victim with kick and fists and



ousted her from the house.

4. Learned counsel appearing for the petitioner submits that as a matter of fact, the entire allegation of commission of rape is completely absurd and false as informant and petitioner are none else but cousin which will is evident from the FIR itself and when the dispute arose between the parties in their matrimonial life she filed the present case with a frivolous and bald allegation of commission of rape otherwise their marriage has been performed on that very day ie. 11.09.2020. Petitioner is always ready to keep the informant with full honor and dignity. Petitioner has also filed a Matrimonial case against the present informant before the learned Principal Judge, Family Court. Katihar vide Matrimonial case No. 93 of 2023 for restitution of his conjugal life. Petitioner claims clean antecedent. Charge sheet has already been filed. Petitioner is in custody since 12.1.2023.

5. Learned counsel for the State as well as the informant oppose the prayer for bail.

6. Considering the aforesaid facts of the case, prayer for regular bail of the petitioner is allowed. Let the petitioner, mentioned 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 Additional Sessions Judge VII cum Special Judge, POCSO Court, Katihar in Amdabad Police Station Case No. 25 of 2023.

(Prabhat Kumar Singh, J)

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