

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33822 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- MAHILA P.S. District- Madhubani

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Md. Nijam @ Md. Nizamuddin, aged about 25 years, male, Son of Abdul
Khaliq, R/o village - Khajuri Pachhwari Tola, P.S. - Town, District –
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate
For the Informant : Mr. Subhash Kumar Jha, Advocate
For the State : Mr. Ajit Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 18-09-2024 Heard Mr. Manoj Kumar Pandey, learned counsel

appearing on behalf of the petitioner; Mr. Subhash Kumar Jha,

learned counsel appearing on behalf of the informant and Mr.

Ajit Kumar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Mahila P.S. Case No. 03 of 2024, registered for the offence
punishable under Section 376 of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioner
had committed rape with the informant and after *Panchayati*,
when it was suggested to the petitioner to marry with the



informant, he refused to marry with her.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner has not committed any wrong with the informant rather the informant is bent upon to marry with the petitioner and on frivolous allegation, when the *Panchayati* failed, the informant has roped the petitioner by filing a frivolous case against him. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned counsel appearing on behalf of the informant submitted that the informant has corroborated in her statement recorded under Section 164 of the Code of Criminal Procedure that the petitioner has committed wrong with her, for which, the *Panchayati* was conducted and it was decided that petitioner should marry with the informant. The allegation cannot be neutralized in any manner. The informant had participated in the *Panchayati*.

6. Learned APP for the State also vehemently opposed the prayer for grant of pre-arrest bail.

7. Having considered the rival submissions made on behalf of the parties, as well as, the fact that the informant has agreed to marry with the petitioner in the *Panchayati* will



certainly not lead to acquittal of the petitioner. Petitioner has submitted that the informant is bent upon to marry with him and for the said purpose, *panchayati* was held and when the petitioner had refused to marry with the informant, a false case, on the basis of frivolous allegation, has been lodged against the petitioner.

8. Considering the aforesaid fact, learned District Court is directed to verify from the records, as to whether, the FIR has been lodged subsequent to the *Panchayati*. *Prima facie* it appears that due to not arriving at negotiable terms in the Panchayati, the present FIR has been lodged against the petitioner.

9. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Madhubani, in connection with Mahila P.S. Case No. 03 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

10. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is



pending against the petitioner as what has been stated in
paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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