

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39851 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- MAHILA P.S. District- Araria

Nadim Akhtar Son Of Shakil Ahmad @ Md. Shakil Ahmad R/O Zeromile (Sisauna), Azad Academy, Nizam Nagar, Ward No. 20, P.S.- Araria, Dist.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Ritwik Thakur, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioner and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Araria Mahila P.S. Case No. 06 of 2024 instituted for the offence under Sections 376, 417, 506 & 504 of the Indian Penal Code.

3. Prosecution case is that Nadeem Akhtar (petitioner) has misused the private photos of the informant and has committed rape on her on several occasions on the pretext of deleting the private photos. On receiving such information, the husband of the informant gave *talaq* to her on mobile phone. It is further alleged that, on the pretext of marriage, petitioner used to rape her for two years.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 03-03-2024. Petitioner is stated to be man of clean antecedent.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Learned counsel for the petitioner submits that the informant has not given any such photograph/video to show that in her mobile, there was any objectionable photograph/video, which was stealthily taken out by the petitioner. It is submitted that alleged physical relation continued from the year 2019 to 2024 and if anything was being done against her wishes, she would have lodged case earlier itself. It is submitted that charge sheet has been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Referring to paragraph No. 37 of the case diary, it is submitted that victim has supported the prosecution version in her statement recorded under Section 164 of the Cr.P.C. It is fervently submitted that there is direct allegation of rape against the petitioner.

7. Considering the aforesaid facts and circumstances of the case, gravity and seriousness of the offence, this Court is not inclined to grant bail to the petitioner.



8. Accordingly the prayer for grant of bail to the petitioner is *rejected*.

9. Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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