

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45230 of 2024

Arising Out of PS. Case No.-40 Year-2024 Thana- BAISI District- Purnia

MD. ENAM @ MD. INAM SON OF MD. ISLAM VILLAGE- TALBARI
SATHIYARA, P.S.- BAISI, DISTT.- PURNIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Senior Advocate
Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 29-10-2024 Heard Mr. N.K. Agarwal, learned Senior counsel for
the petitioner and Mr. Shekhar Harshavardhan representing Mr.
Ashok Kumar for the informant as also Mr. Jitendra Kumar
Singh, learned APP.

2. The petitioner is in custody in connection with
Baisi P.S. Case No. 40 of 2024 for the offence punishable under
Sections 376, 386, 341, 323, 504 and 506 of the Indian Penal
Code lodged on 02.03.2024 by the informant, Rubi Khatoon.

3. As per the prosecution story, the informant alleged
that she is a married women and due to fever, this petitioner
who in the village gives medicines/injections, came to her place
and as she was alone, gave drug injection. As she became
unconscious, he established physical relationship with her, made



photos and videos and upon regaining consciousness, was informed that he has established physical relationship and if it is informed to anyone, the videos/photos will be made viral. He continued abusing her physically for the next eight months, however, her repeated request to delete the videos failed on his deaf ear, she was forced to lodge the FIR.

4. Learned Senior counsel for the petitioner submits that a perusal of the FIR would show that an imaginary case has been lodged that she was unconscious following drug injection, he established physical relationship and once, she did not feel any pain rather the petitioner informed about having established physical relationship. The submission is that while the petitioner is twenty six years old, the married lady is forty years old and knows the niti-gritty of the physical relationship, he has already suffered by being in custody since 04.03.2024 (paragraph-24 of the petition) and do not have any criminal antecedent.

5. Learned counsel appearing on behalf of the informant on the other hand submits that a bare perusal of the FIR would show that following the drug injection that was given to the lady, the wrongs were committed by the petitioner which continued for months and as the videos made were not deleted, the FIR.



6. This Court has gone through the facts of the case as also the submissions put forwarded by the parties, the Coordinate Bench had called for the case diary which is on record. The petitioner version is that the husband has taken loan which also finds support during the course of investigation, as he was demanding his money and the lady's husband was unable to pay, a story was created. In any case, the petitioner has already remained in custody since 04.03.2024, do not have any criminal antecedent and an undertaking has been given by the learned Senior counsel that if granted relief, he shall be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Purnea, in connection with Baisi P.S. Case No. 40 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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