

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73652 of 2024

Arising Out of PS. Case No.-46 Year-2024 Thana- MAHILA P.S. District- Kishanganj

Dilwar Alam @ Dilbar Alam Son of Md. Farooque Resident of Village-
Birnia, P.S.- Bahadurganj, Dist.- Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Seema Praveen D/O Semuddin Resident of Village - Tarabari, P.S. and Dist.
- Kishanganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Mahila P.S. Case No. 46 of 2024 for the offences punishable under Sections 137(2), 64(1), 352, 3(5) of Bhartiya Nyaya Sanhita, 2023 lodged on 03.08.2024 by the informant.

3. As per the prosecution story, the informant alleged that she received unknown call whereafter, had friendship with the petitioner, was called upon and thereafter, she was raped against her will. Later, Panchayati took place where the petitioner refused to marry. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the perusal of the FIR would show that how only to tie nuptial



knots, the informant put pressure which ultimately led to the marriage of the petitioner with the informant. The present status is that she is residing with him in his family. He is in custody since 28.08.2024 (para-4 of the petition).

5. Learned APP opposes the prayer submitting that in case the aforesaid fact/narration is correct, the informant should be made one of the bailors.

6. Considering the aforesaid facts as also the FIR which in the opinion of the Court is surprising inasmuch as the lady received unknown call and thereafter the friendship followed by the allegation of rape. However, considering the fact that now both of them are married, he is in custody since 28.08.2024 and has no criminal antecedent, this Court is inclined to extend him the privilege of bail. However, one of the bailors should be the lady/informant herself.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Kishanganj, in connection with aforesaid PS Case subject to the following conditions:

(i) one of the bailors should be the family member of the petitioner who shall provide official document to show his



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)

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