

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.85562 of 2024**

Arising Out of PS. Case No.-2 Year-2024 Thana- ABADPUR District- Katihar

Riyaz Alam S/o Asfaque Resident of village- Roktahar, Gobindpur, Police station- Abadpur, District- katihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      11-12-2024                      Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Abadpur P.S. Case No. 02 of 2024, registered for the offences under Sections 376, 498(A), 384, 307 and 34 of the Indian Penal Code and Section 4 of the I.T. Act and Section 3/4 of the Dowry Prohibition Act.

3. As per the prosecution case, the petitioner, a nephew by relation of the husband of the complainant, threatening her with knife committed rape with her and took her nude photograph on his mobile phone and further threatened her that he would make the photograph viral.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been



falsely implicated in this case. No occurrence as alleged has ever taken place. The complainant is a married lady whose marriage was solemnized twelve years back and is aged about 40 years and is having four children. The allegation against the petitioner is not believable that the complainant was sleeping with her four children and the petitioner committed rape with her and she did not raise any alarm. During investigation a number of persons were examined by the police who stated that in absence of her husband the complainant developed physical intimacy with the petitioner and she wanted to marry him and when he refused, she lodged this false case against him. The FIR has been lodged after much delay as occurrence is stated to have taken place on 20.10.2023 but the complaint case was filed on 24.11.2023 and the FIR was lodged on 02.01.2024 without any satisfactory explanation. Learned counsel further submits that from further perusal of the complaint it is apparent that actually it was a case under Section 498 A of the Indian Penal Code and there has been demand of Rs. 3 lakh by the family of the in-laws of the complainant. The petitioner is in custody since 09.08.2024 and he has no criminal antecedent and charge sheet has been submitted against the petitioner.

5. Learned A.P.P. appearing for the State opposes the



submission made on behalf of the petitioner. Learned A.P.P. submits that the petitioner committed rape with the complainant threatening her with knife.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the doubtful nature of allegation and further considering the clean antecedent of the petitioner and submission of charge sheet against the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned CJM, Katihar/concerned court, in connection with Abadpur P.S. Case No. 02 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the



petitioner will be liable to be cancelled  
by the court concerned.

**(Arun Kumar Jha, J)**

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