

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.620 of 2025

Arising Out of PS. Case No.-31 Year-2023 Thana- ANGARH District- Purnia

Md. Nahid Alam S/o- Shahid Alam Village- Kalthia Ps- Rauta Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 1029 of 2025

Arising Out of PS. Case No.-31 Year-2023 Thana- ANGARH District- Purnia

Sahjahan @ Chotu S/o- Noor Alam Village- Gostara Ps- Rauta Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 620 of 2025)

For the Petitioner/s : Mr. Md. Helal Ahmad, Adv.

For the State : Mr. Damodar Prasad Tiwary, APP.

(In CRIMINAL MISCELLANEOUS No. 1029 of 2025)

For the Petitioner/s : Mr. Md. Helal Ahmad, Adv.

For the State : Mr. Damodar Prasad Tiwary, APP.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 13-05-2025 As both these bail applications have arisen from the same police station case number, hence, with consent of parties, they are being heard together and disposed of by this common order.

2. Heard learned counsel for the petitioners and learned APP for the State.

3. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 365, 366,



367, 34 of the Indian Penal Code.

4. The prosecution case as unfolded in the FIR is that one Tabrej Alam had given a SIM to the daughter of the informant whereafter she was allured by Md. Nahid Alam with whom she started talking. Thereafter, on 06.08.2023 at around 10 A.M., the informant's daughter went missing and after a lot of search, she could not be found, however, on 10.08.2023, the informant received a phone call from his daughter who was crying and said that the FIR named accused persons including these petitioners took her away on the pretext of marriage to Delhi and they were all planning to sell her off.

5. Learned counsel for the petitioners submits that it would be apparent from the FIR itself that while the informant's daughter went missing on 06.08.2023, the present FIR came to be lodged on 16.08.2023 after a substantial delay for which there is no explanation tendered. It is further submitted that as a matter of fact, the informant's daughter was in a love relationship with co-accused Sehzaad and the same would also be evident from the statement of the victim recorded under Section 164 Cr.P.C. which is on record and wherein it has been stated that she had gone to meet Sehzaad upon his call and went along with him to a different place and



stayed in a room with him for 6-7 days. It has also been stated that both of them decided to get married and also established physical relationship with each other with consent. However, later on, co-accused Sehzaad went away leaving the victim alone and then petitioner Md. Nahid Alam committed rape with her. Learned counsel for the petitioners also points towards the fact that with the intervention of the well wishers and relatives of both sides, the parties have entered into a compromise and good relations have been established between them.

6. Learned APP for the State opposes the prayer for bail.

7. From bare perusal of the statement of the victim recorded under Section 164 Cr.P.C., it is clear that the victim, who is an adult, had gone voluntarily with co-accused Md. Sehzaad and it is a case of consensual relationship between two adults. So far as the allegation on Md. Nahid Alam is concerned, the same does not get supported by the medical examination report of the victim girl which is recorded in paragraph 40 of the case diary and the same would show that there was no evidence of any recent sexual intercourse and the girl is aged about 18-20 years. So far as the petitioner Shahjahan @ Chotu is concerned, his name has only been taken in the FIR, however, nothing specific has transpired against him even during the course of



investigation and he has not even been named in the statement of the victim recorded under Section 164 Cr.P.C.

8. Having regard to the abovementioned facts and circumstances, I am inclined to grant the privilege of anticipatory bail to the petitioners who have no criminal antecedent. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Purnia in connection with Angarh P.S. Case No. 31 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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