

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1852 of 2025

Arising Out of PS. Case No.-158 Year-2024 Thana- AMAUR District- Purnia

Md. Sakib Alam @ Sakib son of Md. Shoaib Alam R/o vill - Bahadurpur, P.S.
- Amour, Distt.- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr. Choubey Jawahar, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-03-2025 Heard the parties.

2. The petitioner seeks bail in connection with Amour P.S. Case No. 158 of 2024 registered for the offence under Sections 341, 323, 376, 379, 504, 506 of the I.P.C.

3. The petitioner is named in the F.I.R. and is in custody since 01.10.2024.

4. The allegation against the petitioner is to commit rape upon the informant on false pretext of marriage.

5. Learned counsel appearing on behalf of the petitioner submitted that the alleged occurrence was of



10.10.2023 for which after 6 months a complaint was lodged bearing no. 450 of 2024 before learned CJM, Purnea on the basis of which present FIR was registered as Amour PS. Case No. 158 of 2024. It is also pointed out that even the medical report of the victim does not support the allegation on its face. It is submitted that if the version of the complaint as narrated by the victim be compared with her statement as recorded under Section 161 of the Cr.P.C. during investigation of the present case and also her statement as recorded under Section 164 of the Cr.P.C., it can be safely gathered that there are several contradictions available for alleged occurrence. It is submitted that corporeal relation on false pretext of marriage cannot be said rape. In support of his submission, learned counsel for the appellant relied upon legal report of Hon'ble Supreme Court as available through ***Ansaar Mohammed vs. State of Rajasthan*** reported in ***2022 SCC OnLine SC 886***. It is submitted that the variation amongst statements of victim is



sufficient to doubt her veracity regarding crime in question. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by Mr. Kumar Mangalam learned counsel for the informant while opposing the prayer of bail submitted that the allegation of committing rape is specific upon this petitioner. It is submitted that the reason for lodging complaint with delay is already explained as it was delayed due to *panchayati* which was held for negotiating the marriage of victim with petitioner.

7. Considering aforesaid facts and submission and by taking note of fact as the allegation of rape appears raised in the background of false pretext of marriage, where the complaint in issue which is the basis of present FIR, appears lodged with delay of 6 months, coupled with fact that investigation of this case is already



been completed where the petitioner being the man of clean antecedent remains in custody since 01.10.2024, accordingly petitioner above named, is directed to be released on bail in connection with Amour P.S. Case No. 158 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Purnea /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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