

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2036 of 2025

Arising Out of PS. Case No.-187 Year-2024 Thana- JALE District- Darbhanga

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Faiz Ali Rumi Son of Anish Ahmad Raja village- Katraul, Ps- Jalky, Dist- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. x Daughter of Md. Jilani village- Bhuara, Ps- Kamtaul, Dist- Darbhanga

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Ritwik Thakur, Advocate
		Mrs. Vaishnavi Singh, Advocate
For the State	:	Mr. Ram Priya Sharan Singh, APP
For the Informant	:	Mr. Amit Kumar Singh, Advocate

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 25-06-2025 Heard learned counsel for the petitioner, learned counsel
for the opposite party no.2 and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 341, 342, 376, 312,
504 and 506/34 of the Indian Penal Code.

3. The allegation in the first information report is that the
prosecutrix had met with the petitioner in the train, whereafter
the petitioner came to her house and both got engaged and the
date of marriage was fixed after six months i.e. on 10.01.2024.
It is further alleged that she went to the house of the petitioner
on 18.08.2024, upon his calling, where she was given
intoxicant and when she regained her consciousness, she found
herself in an objectionable condition. It is further alleged that



the accused was demanding some money from the prosecutrix and upon showing her inability to give the same, the petitioner assaulted her and also denied to marry her.

4. It is submitted by learned counsel for the petitioner that the informant is a married lady, having two daughters from the first marriage, and the said fact was concealed from the petitioner. It would be appear from the first information report itself that she was aged about 29 years and she had met with the petitioner in the train. It was her informed and conscious choice to go to the house of the petitioner and also of performing marriage with him. Further submissions on behalf of the petitioner is that the allegations of making videos etc does not find support from the materials collected during the course of investigation and there is no trail of any money transaction as alleged by the prosecutrix. It would appear from the medical examination report of the victim/ prosecutrix that there are no findings which are suggestive of any recent sexual intercourse and no evidence of any pregnancy in the ultrasonography and the pathology report. It is also submitted that but for mentioning June 2023 as date of marriage proposal and 10.01.2024 as the date fixed for marriage, no other dates have been mentioned in the FIR and hence the FIR is extremely



vague as to when the alleged occurrence actually took place and why the same was not reported to the police, thereby making the entire allegation suspicious. The present case was lodged, after an unexplained delay, on 07.10.2024.

5. Learned counsel for the informant opposes the grant of anticipatory bail on the ground that the allegations made in the first information report are supported by the victim in her statement recorded under Section 164 Cr.P.C. It is further submitted that the process under Section 82 Cr.P.C. was also issued against the petitioner.

6. Learned counsel for the petitioner by filing a supplementary affidavit has brought on record that the petitioner got the knowledge of process under Section 82 Cr.P.C. on 10.01.2025, whereas the process was issued, as per the records, on 20.12.2024. However, the petitioner had already taken recourse to the legal remedies and had moved for grant of anticipatory bail before the learned Court below on 24.11.2024 itself, just after one month of the FIR and much before the issuance of process under Section 82 Cr.P.C. Learned counsel for the petitioner has also referred to the decision of the Hon'ble Apex Court passed in the case of Asha Dubey vs. The State of Madhya Pradesh (Cr. Appeal No.4564 of 2024) in this



regard stating that there will be no total embargo on consideration of grant of anticipatory bail.

7. Taking into consideration the facts and circumstances of the case as also the fact that the prosecutrix is 29 years old married lady, who has taken a voluntary decision to go to the house of the petitioner the other considerations of proposed marriage and absence of corroborative medical evidence, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Jale P.S. Case No.187 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Soni Shrivastava, J)

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