

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5227 of 2025

Arising Out of PS. Case No.-418 Year-2024 Thana- NAANPUR District- Sitamarhi

Md. Faiyaz S/O Md. Kayum Resident of Village- Sharifpur, P.O- Koili, P.S-
Nanpur, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Namrata Mishra, Advocate

Ms. Archana Jha, Advocate

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

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 02-05-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Naanpur P.S. Case no.418 of 2024 registered under
Sections 126(2), 115(2), 64, 352, 351(2), 3(5) of B.N.S, 2023.

3. As per the prosecution case, the informant states
that on 25.05.2024 at about 11:00 p.m. while she was sleeping
in her *varanda*, accused Md. Faiyaz, came and established
physical relations with her. She further states that accused
assured her that he loved her and subsequently the victim also
became pregnant. When the informant's parents came to know
about the same, they went to petitioner's house but the family
members of the petitioner ousted them from house.

4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the case. The allegations against the petitioner are false and concocted. He further submits that it would be evident from bare perusal of the F.I.R that specific date of occurrence has been given as 25.05.2024 and the parents also got knowledge about the same on 21.08.2024 and yet the F.I.R was lodged after due thought and deliberation on 26.08.2024. He further submits that the very allegation that the petitioner had come to her house while she was sleeping and committed rape upon her does not inspire confidence at all. It is a case of love affair between the petitioner and the informant and the same would also be demonstrated by the fact that victim stated in her statement recorded under Section 183 of the B.N.S.S, that she wants to marry the petitioner since they were in love relationship since quite long. It appears from the present petition that the petitioner is also ready to marry the informant and he has also filed a petition dated 05.10.2024 before the Court of learned S.D.J.M, Pupri stating the same. During investigation it has surfaced that the informant has refused to get herself medically checked up which would be evident from paragraph 32 of the case diary. The petitioner has no criminal antecedent and undertakes to cooperate in the case/trial.



5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. Considering the entire facts and circumstances of the case and also considering the fact that it is a case of consensual relationship between two adults, it is directed that the petitioner above named, who has no criminal antecedent in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Naanpur P.S. Case no.418 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 the learned S.D.J.M, Pupri, Sitamarhi, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023.

(Soni Shrivastava, J)

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