

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5049 of 2025

Arising Out of PS. Case No.-130 Year-2024 Thana- MAHALGAON District- Araria

Arbaz Ghazi Son of Mahboob Alam Vill -Kursail, Ward No 3, P S
-Mahalgaon Distt- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
	:	Mr. Pankaj Kumar Jha, Advocate
	:	Mr. Vijay Kishore Bharti, Advocate
	:	Mr. Kumar Rajdeep, Advocate
	:	Ms. Diksha Kumari, Advocate
For the Opposite Party/s	:	Mr. N.N. Tiwari, APP
For the Informant	:	Mr. Gopal Kumar Jha, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 28-04-2025 Heard Mr. N.K. Agrawal, learned senior counsel for

the petitioner, Mr. Gopal Kumar Jha, learned counsel for the

informant and Mr. N.N. Tiwari, learned APP for the State.

Perused the case diary.

2. The petitioner seeks bail in connection with
Mahalgaon P.S. Case No. 130 of 2024 instituted for the offences
under Sections 64, 303(2) of the BNS.

3. Accusation against the petitioner is of establishing
physical relations with the victim on the pretext of marriage.

4. Learned counsel for the petitioner submitted that the
petitioner is innocent and has falsely been implicated in the



present case. Learned counsel for the petitioner submitted that victim, who is major, in her Statement recorded under Section 183 as also under Section 180 of the BNSS has specifically stated that she was in love with the petitioner. Learned counsel further submitted that petitioner never made physical relations with the victim against her will and the petitioner never promised to marry her. Learned counsel further submitted that medical report of the victim also does not support the allegation of forceful intercourse. Police after investigation submitted charge-sheet under Section 69 of the BNS. It has been submitted on behalf of the petitioner that the petitioner is in custody since 22.10.2024 and has two criminal antecedents.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel further submitted that victim her supported the case in her statement recorded under Section 183 of the BNSS and, therefore, the petitioner does not deserve to be released on bail.

6. Considering the aforesaid facts and circumstances of the case, charge-sheet already being submitted as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.



7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Mahalgaon P.S. Case No. 130 of 2024.

(Rudra Prakash Mishra, J)

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