

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4577 of 2025

Arising Out of PS. Case No.-109 Year-2024 Thana- THAKURGANJ District- Kishanganj

Md. Ataul @ Md. Atabul Ali S/o- Abdul Kalam @ Md. Kalam Village-
Bherbheri Kanakpur Panchayat Ps- Thakurganj District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Madhuri Lata, APP

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

ORAL ORDER

3 28-04-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Thakurganj P.S. Case No. 109 of 2024 instituted for the offence
under Sections 127, 115(2), 69 & 3(5) of the Bharatiya Nyaya
Sanhita, 2023.

3. As per prosecution case, accusation against the
petitioner is of committing rape upon the informant on the
pretext of marriage.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 15-10-2024. Petitioner
bears no criminal antecedent/s, as per disclosure made in
paragraph No. 3 of the bail application.



5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case due to local politics and ulterior motives. Learned counsel submits that the informant, aged 22 years, had a consensual relationship with the petitioner for 2–3 years without prior complaint. Section 69 of the BNS is not attracted as there was no deceitful promise of marriage. Even as per medical report, the age of the victim is ascertained between 18-20 years and there was no evidence of recent sexual intercourse and spermatozoa not found either alive or dead.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Victim in her statement recorded under Section 183 of the BNSS, 2023 has fully supported the prosecution case. Charge-sheet in this case is submitted under Sections 64(1) & 69 of the BNS, 2023.

7. Considering the aforesaid facts and circumstances of the case, there being direct allegation of rape against the petitioner, which fact is corroborated by the statement of the victim recorded under Section 183 of the BNSS, 2023, this Court, is not inclined to grant bail to the petitioner. Prayer for grant of bail to the petitioner is, accordingly, rejected.

8. The Trial Court is directed to expedite the trial



as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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