

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13141 of 2025

Arising Out of PS. Case No.-242 Year-2024 Thana- POTHIYA District- Kishanganj

Md. Razzaque @ Razzaque S/O Tetna Resident of village- Baksa, P.O.-
Chhattergachh, P.s.- Pothia, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Hafiz Shahbaz Arif, Adv
For the Opposite Party/s	:	Mr. Arun Kumar Singh, APP
For the Informant	:	Mr. Ram Prakash Kr, Adv
		Mr. Rajeev Ranjan, Adv

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. This is the first regular bail application of the petitioner seeking his regular bail in connection with Pothia P.S. Case No. 242 of 2024 registered for the offence under Sections 140(3), 87, 64(1), 351(2), 352, 3(5) of BNS Act.

3. In this case, the age of victim lady is about 25 years. She is a major married lady. On 24.08.2024, she made a written complaint wherein it is alleged that on 24.7.2024 when she was returning from her Sasural at that time the present applicant forcefully taken her at Hyderabad, where she continuously committed forcible sex about one month. On the basis of report made by the informant offence has been registered.

4. It is submitted by the learned counsel for the petitioner that the petitioner is innocent and has been falsely



implicated in this case due to previous dispute with victim lady. He further submits that the FIR has been lodged after one month of alleged incident. Entire case of the prosecution is taken as it is then also appears that it is a matter of consent and the victim was the consenting party therefore, it is prayed that on these grounds, petitioner may be granted benefit of bail.

5. Learned counsel for the State opposes the arguments raised by the counsel for the petitioner.

6. Considering the above submissions made by the learned counsel for the petitioner and particularly considering the age of victim girl and further considering the the fact that the FIR has been lodged after one month, I am of the view that the petitioner should be enlarged on bail.

7. Accordingly, the application is allowed.

8. The petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M, 3rd Kishangaj, in connection with Pothia, P.S. Case No. 242/2024.

(Arvind Singh Chandel , J)

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