

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12687 of 2025

Arising Out of PS. Case No.-633 Year-2024 Thana- SIKARPUR District- West Champaran

Javed Alam S/o- Md. Shami @ Manshani Siddique @ Mamsani Sidki
Village- Bharwaliya Sariswa Bazar Police station- Shikarpur District-West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

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

ORAL ORDER

3 13-05-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Shikarpur P.S. Case No. 633 of 2024 instituted for the offences
under Sections 341, 323, 376, 34 of the Indian Penal Code.

3. As per prosecution case, the accusation against the
petitioner is of establishing physical relation with the Informant
on the false pretext of marriage.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case
only to extort money because the petitioner refused for the
marriage. He further submits that there is no supporting



documentary evidence available on record like medical examination of the Informant regarding sexual assault. He further submits that the marriage of the petitioner was performed on 10.08.2024 whereas the F.I.R. was lodged on 10.09.2024 given the date of occurrence as 23.11.2023 which creates doubt in the veracity of the prosecution case. The medical report does not support the prosecution case. He further submits that from perusal of the statement of the Informant recorded under Section 183 of the B.N.S.S., there is a love affair between both the parties. He further points out that the said relationship was a consensual relationship between the parties and, in this regard, he has placed reliance in the case of the Hon'ble Supreme Court since reported in *AIR 2020 SC 4535 (Maheshwar Tigga vs The State of Jharkhand)*. The petitioner has no criminal antecedent and is languishing in judicial custody since 23.12.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as



also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Shikarpur P.S. Case No. 633 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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