

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13961 of 2025

Arising Out of PS. Case No.-17 Year-2024 Thana- MAHALGAON District- Araria

Ashraf @ Md. Ashraf Son of Abdul Matin Resident of village - Chainpur
Ward No.- 05, Police Station - Mahalgaon, District - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rani Praween W/o Musabbir R/o Village - Dumariya, Ward No. - 07, P.S. - Mahalgaon, Distt. - Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 18-07-2025 Heard Mr. Mukesh Kumar Rana, learned counsel for

the petitioner and Mr. Bharat Bhushan, learned APP
representing the State.

2. The petitioner is apprehending his arrest in connection with Mahalgaon P.S. Case No. 17 of 2024 for the offence under Sections 341, 323, 376, 504, 379, 506 and 34 of the Indian Penal Code, lodged on 21.04.2024 by the informant, Rani Praveen.

3. As per the prosecution story, the lady alleged that this petitioner forcibly raped her and as the family members caught hold of him, they wanted to solemnize marriage but later the other accused persons assembled and attacked them.



4. Learned counsel for the petitioner earlier informed that subsequently, the victim girl has tied nuptial knots with the petitioner and the couple is now blessed with a child, as such, this Court on 02.07.2025 wanted them to appear alongwith the credentials.

5. Pursuant thereto, the couple is present alongwith six months old child. The Aadhar Card of the victim shows that she is/was adult and have taken decision to tie nuptial knots on her own.

6. The Aadhar document of both the petitioner and the girl have been taken on record.

7. Learned APP though opposes prayer for bail concede that now both have solemnized marriage and a child is also out of the said wedlock.

8. Considering the aforesaid facts on record, the F.I.R. is there, the petitioner shall be facing the trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

9. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the



satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Mahalgaon P.S. Case No. 17 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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