

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17952 of 2025

Arising Out of PS. Case No.-272 Year-2024 Thana- GAIGHAT District- Muzaffarpur

Md. Dilshed @ Md. Dilshad S/O Md. Shaukat R/O Village- Ramnagar, P.S-
Gaighat, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Hari Kishore Thakur
For the Opposite Party/s	:	Mr.Renu Kumari
For the Informant	:	Mr. Ratneshwar Prasad

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 30-07-2025 Heard learned counsel for the petitioner and learned
counsel for the Informant as well as learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial No. 73 of 2025 arising out of Gaighat P.S. Case No. 272 of 2024 dated 02.11.2024 registered for the offences punishable u/ss 126(2), 352, 351(2), 351(3), 61(2) and 64 of the BNS.

3. As per the prosecution case, the petitioner with the the assistance of the co-accused committed rape on the informant on the pretext of marriage.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. As per FIR, it is apparent that the informant herself



confessed that she has been in touch with the petitioner from one year and the petitioner gave her a mobile phone to talk which shows that there is love affair between the petitioner and the victim. The victim is a major girl who knows the consequence of the act of the petitioner. Learned counsel for the petitioner placed reliance on the judgment in the case of **Mandar Deepak Pawar Vs. State of Maharashtra & Anr. (Criminal Appeal No. 442 of 2022)** in which “a distinction was made between a false promise to marriage which is given on understanding by the maker that it will be broken and a breach of promise which is made in good faith but subsequently not fulfilled”. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 03.12.2024.

5. Learned counsel for the Informant as well as learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner. It is further stated that as per the statement of the victim recorded u/s 183 of the BNSS in which she clearly stated that the petitioner committed rape on her and as a result, she became pregnant and gave birth of a baby girl.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-



named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Muzaffarpur in connection with Sessions Trial No. 73 of 2025 arising out of Gaighat P.S. Case No. 272 of 2024, with the following condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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