

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18662 of 2025**

Arising Out of PS. Case No.-118 Year-2024 Thana- KADWA District- Katihar

Md. Tabarak S/o- Saidur Rahman R/o- Kantadih Ps- Kadwa Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Kumar Mishra, Advocate
For the Informant : Mr. Bijendra Prasad Sinha, Advocate
: Mr. Dhirendra Singh, Advocate
For the Opposite Party/s : Mr.Parmanand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 20-06-2025 Heard Mr.Akash Kumar Mishra, learned counsel for the petitioner, Mr. Bijendra Prasad Sinha, learned counsel for the informant and Mr.Parmanand Kumar, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 14.11.2024 in connection with Kadwa P.S. Case No. 118 of 2024, F.I.R. dated 11.05.2024 registered for the offence punishable under Section 376 of the Indian Penal Code and Section 4 of the D.P.Act.

3. Allegation against the petitioner is that he committed rape upon the informant by feeding her intoxicants and made a video and when her parents went for marriage proposal, then they demanded Rs. 50,000/- as dowry for



marriage.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. In fact the statement of the victim under Sections 161/164 of Cr. P.C./Section 180/183 of BNSS, 2023 was recorded in which she has categorically stated that the victim was in touch with the petitioner and apart from that, the victim was major as per FIR.

5. Learned counsel for the informant as well as learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim under Sections 161/164 of Cr. P.C./Section 180/183 of BNSS, 2023 was recorded in which she has categorically stated that petitioner has committed rape upon her and apart from that, the medical report of the victim also suggests that she has been sexually assaulted by the petitioner.

6. Considering the aforesaid facts and nature of allegation against the petitioner, I am not inclined to enlarge the petitioner on bail in connection with Kadwa P.S. Case No. 118 of 2024 pending in the court of learned Chief Judicial



Magistrate, Katihar.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Nitesh/-

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