

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18954 of 2025**

Arising Out of PS. Case No.-249 Year-2024 Thana- KADWA District- Katihar

Md. Maruf @ Maruf S/O Md. Sakir R/O Vill.- Dhuriya, P.S.- Kadwa, Dist.-  
Katihar.

... .. Petitioner/s

## Versus

1. The State of Bihar Bihar
2. Nagina Khatoon D/O Tamrez R/O Vill.- Dhuriya, P.S.- Kadwa, Dist.- Katihar.

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                     |
|--------------------------|---|---------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Satish Chandra Mishra, Advocate<br>Mr. Md. Nurul Hoda, Advocate |
| For the Opposite Party/s | : | Mr. Akshay Lal Pandit, APP                                          |
| For the O.P. No. 2       | : | Mr. Madhav Kumar, Advocate                                          |

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

3      02-07-2025                      Heard learned counsel for the petitioner and  
learned A.P.P. for the State as well as learned counsel for the  
informant.

2. The petitioner apprehends arrest in connection with Kadwa P.S. Case No. 249 of 2024 dated 10.12.2024, instituted for the offence punishable under Sections 376 of the Indian Penal Code.

3. The prosecution case, in short, is that the petitioner took the photographs and video of informant while she was bathing and threatened her to make it viral. On 03.04.2024, at about 11:30 pm, the petitioner established physical relationship with the informant forcefully. It is further alleged that the



petitioner threatened the informant and established physical relation with her several times.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is also submitted that informant is 21 years old girl. Further submission is that FIR has been lodged after eight months of the occurrence. The incident took place in the month of April but the FIR was lodged on 10.12.2024. Learned counsel further submitted that from perusal of FIR, it appears that there is mention of two dates during which the petitioner established physical relation with the informant i.e. on 03.04.2024 and between 03.04.2024 to 20.04.2024 but neither any complaint nor any grievance has been lodged against the petitioner by the victim-informant. It is next submitted that during entire investigation no cogent material is available on record to suggest that petitioner has any contact with the informant. It is further stated that there is a land dispute between the parties due to which the petitioner has been falsely made accused in this case. Grandfather of the informant had filed Title Suit No. 73 of 1968 and Final Decree Case No. 01 of 2022 in the Court of Munsif, Barsoi. It is further submitted that earlier a case was filed by Md. Tamrez (father of the informant) against father of



the petitioner vide Kadwa P.S. Case No. 130 of 2021. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for bail of the petitioner and submitted that there is specific allegation against the petitioner of establishing physical relationship with the informant which is supported by the victim-informant in her statement recorded under Section 164 Cr.P.C.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Kadwa P.S. Case No. 249 of 2024, he/they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Katihar, subject to condition as laid down under Section 482(2) of the B.N.S.S.

**(Khatim Reza, J)**

Sankalp/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

