

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19635 of 2025

Arising Out of PS. Case No.-8 Year-2024 Thana- MAHILA P.S. District- Araria

Md. Gufran @ Gufran S/O Najam Resident Of Village - Rupaili, Ps- Araria
Rs, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha
For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-04-2025 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 341, 323, 376, 504, 506, 354(B) and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that she was married to Aftab about 2 and ½ years back and out of the wedlock, a child was born but then her husband performed her second marriage as such she came to her parental home where she was staying. It is next alleged that on 17.06.2023 while the informant was going to Rajokhar market alone, when the petitioner came from behind and made her sit on a CT rickshaw and thereafter took her to a deserted place and



committed rape on point of knife and even got the occurrence video-graphed. Further, the petitioner started establishing physical relation with her on the pretext that he will marry her but when the parents of the petitioner came to know about the relationship they objected. It is next alleged that the accused persons including the petitioner also abused and threatened her and assaulted her brother Eklakh on 13.01.2024.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that no doubt the petitioner and the informant were known to each other but then allegation of rape is alleged only to give a serious colour to the case. It is next submitted that the statement of the informant was recorded under section 183 (B) BNSS, wherein she has not supported her earlier version of rape rather has stated that the petitioner forcefully disrobed her. It is also submitted that the relationship in between petitioner and the informant was consensual rather the relationship was between two consenting adults. It is next submitted that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.



6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Mahila P.S. Case No.08/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this court is not co-operating in the investigation in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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