

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25260 of 2025

Arising Out of PS. Case No.-58 Year-2024 Thana- MAHILA P.S. District- Bhagalpur

1. Bibi Nuraida Wife of Md. Gaffar Alam @ Md. Gaffar Resident of village - Daharpur, Po- Chakdhariya, Ps- Goradih, Dist- Bhagalpur
2. Md. Gaffar @ Md. Gaffar Alam son of Late Md. Reyasat Resident of village - Daharpur, Po- Chakdhariya, Ps- Goradih, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-04-2025 Heard Mr. Najmul Hodda, learned counsel for the petitioners and Mr. Ram Bilash Roy, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bhagalpur Mahila P.S. Case No. 58 of 2024, F.I.R. dated 26.07.2024 for the offences punishable under Sections 69, 351(2), 352, 3(5) of the BNS.

3. According to prosecution case, the accused person, namely, Md. Rashid who happens to be the son of the petitioners made physical relation with the victim on the pretext of the marriage.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been



implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. He further submits that from perusal of the F.I.R it appears that the victim was in love with one Md. Rashid and the petitioners are mother and father of Md. Rashid. As per the allegation that Md. Rashid established physical relationship with the informant. He further submits that the petitioners have no concerned with the alleged occurrence at all.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts, the petitioners have clean antecedent and the petitioners have been made accused merely on the ground that they are parents of the accused person, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IX, Bhagalpur in connection with Bhagalpur Mahila P.S. Case No. 58 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 and with other following



conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Jyoti Kumari/-

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