

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20550 of 2025

Arising Out of PS. Case No.-65 Year-2024 Thana- MAHILA P.S. District- Araria

Md. Sameer @ Estakar @ Md. Estakar Aalam, aged about 25 years, Male,
S/o- Md. Ayoub Alam @ Md. Eyub Alam, resident of Village- Dipaul, Ward
No. 11, PO- Amouna, PS-Jogbani, District- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. X (Symbolic name of Informant), aged about 24 years, female, D/o- Md. Sajjat, resident of Village- Dakshin Maheshwari, Ward No-18, PS- Jogbani, Dist- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. Awadhesh Kumar Singh, PP
For the OP No.2	:	Mr. Madhav Jha, Advocate
		Mr. Nishant Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 02-07-2025 Heard learned counsel for the petitioner; learned Additional Public Prosecutor for the State and learned counsel for the opposite party no.2, who has appeared *suo motu*.

2. The petitioner apprehends arrest in connection with Mahila PS Case No.65 of 2024 dated 07.12.2024, instituted under Sections 64, 69, 85, 89, 3(5) of the *Bharatiya Nyaya Sanhita*, 2023.

3. The prosecution case, in brief, is that on the alleged date of occurrence i.e., 29th June, 2024, the petitioner committed rape with the victim in her room. When the husband of the victim came from Hyderabad, he gave divorce to the victim,



who was carrying pregnancy of two months and told the victim that, now, she would be married to the petitioner. Thereafter, the petitioner is said to have given some medicines and got the pregnancy aborted. Thereafter, he refused to marry the victim.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is also submitted that as per the allegation levelled against the petitioner, he committed rape with the victim on 29.06.2024, whereas, FIR has been lodged on 07.12.2024 i.e., after about six months of the said occurrence. It is further submitted that the allegation against the petitioner is that the petitioner committed rape with him 29th June, 2024, and on 19th October, 2024, her husband divorced her when she was carrying pregnancy of two months and the pregnancy was terminated by giving medicines by the petitioner. Entire allegation of the prosecution demolishes as the allegation of rape is on 29th June, 2024, and it is not possible to carry pregnancy of two months in the month of October, 2024, and she must have conceived pregnancy afterwards. It is also submitted that there is no question of false assurance of marriage because at the time of rape the victim was already married and she was the wife of the petitioner's cousin. It is also submitted that the ex-husband of



the victim is also co-accused in this case. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned APP as well as learned counsel for the opposite party no.2 has opposed the prayer for bail. Learned counsel for the opposite party no.2 submits that there is specific allegation of rape against the petitioner and the statement recorded under Section 183 of the *Bhartiya Nagrik Suraksha Sanhita*, 2023, also supports the prosecution case.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on 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 SDJM, Araria, in Mahila PS Case No.65 of 2024, subject to the conditions laid down in Section 482(2) of the *Bharatiya Nagarik Suraksha Sanhita*, 2023.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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