

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23321 of 2025

Arising Out of PS. Case No.-84 Year-2024 Thana- BAISI District- Purnia

Dabar @ Md. Dabar S/o Abul Hasan R/o Village- Bakhariya, P.S.- Baisi,
Distt.- Purnea

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Ajay Kumar Thakur, Advocate Mr. Bijendra Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Baisi P.S. Case No. 84 of 2024 registered for the alleged offences under Sections 323, 342, 379, 376 of the Indian Penal Code.

03. As per prosecution case, two years prior to lodging of the FIR, the petitioner committed rape with the informant. Thereafter, giving allurement of marriage and also threatening the informant, the petitioner further committed rape with the informant in a bamboo clump situated near the house of the informant. Subsequently, when the informant came to know that the marriage of the petitioner was being solemnized, she called for a *panchayati*, but the family members of the petitioner



confined her in house and also assaulted her.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The allegations are baseless and not believable. The informant alleged commission of rape for two years continuously, but the matter has been reported to the police on 04.04.2024 after much delay. The informant is aged about 22 years and she has admitted sexual relationship with the petitioner, but she did not disclose the matter even to her parent and only when she came to know about marriage of the petitioner was going to be held, then she entered into the house of the petitioner, as is apparent from the FIR. The informant was medically examined and as per the medical report, no sign of sexual assault at the time of examination was found. The petitioner denies all allegations of having any physical relationship with the informant and it is evident from the FIR that the informant lodged the case under pressure of her parent and other family members. The petitioner is in custody since 04.01.2025 after surrender and charge-sheet has been submitted. The petitioner is having clean antecedent.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that there is direct allegation against the petitioner of committing rape with the informant.

06. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the apparent consensual relationship of the informant with the petitioner and further considering the doubtful nature of allegation against the petitioner and also considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Purnea/court concerned in connection with Baisi P.S. Case No. 84 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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