

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24676 of 2025

Arising Out of PS. Case No.-245 Year-2023 Thana- BHARGAMA District- Araria

Shahanshah Ajam @ Sahansa Ajam @ Shahansha S/O Md. Wasil Anwar R/O
Village- Manullah Pati, Ward No. 07, P.S- Bhargama, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kr. Thakur, Advocate Ms.Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr.Uma Shankar Prasad Singh, A.P.P. Mr. Rohit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-04-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Bhargama P.S. Case No. 245 of 2023, registered for the offences under Sections 341, 323, 447, 448, 354(B), 376, 504, 506/34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner, giving inducement of marriage, established physical relationship with the informant and sexually exploited her. Subsequently, the informant made distance from him and on the date of occurrence i.e., 02.09.2023, the petitioner entered into the house of the informant and on the point of knife committed rape with her. The family members and the co-villagers assembled and



tried to take the petitioner to police which was opposed by the family members of the petitioner who along with other co-accused persons freed the petitioner from the custody of the family members of the informant.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The FIR has been lodged after a delay of eight days and this fact assumes importance in view of the fact that on 10.09.2023 at 14:15 hours the father of the petitioner lodged a case against the family members of the informant for abducting the petitioner and forcibly solemnizing the marriage with the informant of the present case. When this case was lodged, the instant case came to be lodged after three hours. Learned counsel further submits that the marriage was forcibly solemnized and this fact also appears from the marriage certificate on which there is no witness from the side of the petitioner. Learned counsel further submits that earlier a title suit has been filed by the father of the petitioner and other plaintiffs against two ladies, Bibi Halima Khatoon and Hamida Khatoon who are related to the informant of the present case. At their instance, under a conspiracy, the marriage of the petitioner was solemnized. Learned counsel further submits that the case



lodged by the father of the petitioner i.e., Bhargama P.S. Case No. 244 of 2023, the police after investigation submitted charge sheet against the family members of the informant. The statement of the petitioner was also recorded under Section 164 of the Cr.P.C. Learned counsel further submits that the petitioner has got no criminal antecedent and he is in custody since 10.01.2025 and charge sheet has been submitted.

5. Learned A.P.P. appearing for the State as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the petitioner entered into the house of the informant and committed rape with her. She supported the allegation even in the statement recorded under Section 164 of the Cr.P.C. Learned counsel further submits that the delay in lodging the FIR occurred as the informant was busy in her treatment.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the doubtful nature of allegation against the petitioner in the light of counter version and the case lodged by the father of the petitioner and also considering the clean antecedent of the petitioner and submission of charge sheet and period of custody,



the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned J.M.F.C, Araria/concerned court, in connection with Bhargama P.S. Case No. 245 of 2023, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other 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, if so required by the learned trial court.

(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)

Anuradha/-

U		T	
---	--	---	--

