

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29517 of 2025

Arising Out of PS. Case No.-80 Year-2024 Thana- MAHILA P.S. District- Kishanganj

Gulam Nabi @ Gulab Nabi @ Nabi Ahmad S/o- Samiruddin @ Samir @
Mohammad Sanir Village- Majkuri PS-Kochadhaman, Dist- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar, Adv.

For the informant : Ms. Lalita kumari, Adv.

For the Opposite Party/s : Mr.Anil Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 20-08-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Mahila P.S. Case No. 80 of 2024 dated 14.11.2024 registered for the offences punishable u/ss 341, 323, 376, 504, 506 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner is alleged to have committed rape on the victim on the pretext of false promise of marriage and lastly, the petitioner refused to marry with the victim girl.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the occurrence took place on 20.03.2022 but the F.I.R. was lodged on 14.11.2024 after a delay



of 2 years and 8 months and there is no explanation for the same. Learned counsel has further submitted that the victim is a major girl and there was love affair between the victim and the petitioner. It is further submitted that the petitioner has no concern with the alleged offence. Learned counsel has further submitted that the supplementary affidavit has been filed on behalf of the informant in which the informant has stated that the matter has been compromised with the petitioner and the compromised petition is annexed as Annexure-1 with the bail petition. The victim is a major girl who knows the consequence of the act of the petitioner. Learned counsel has further submitted that the victim girl and the petitioner chose to have physical relationship of their own will. Learned counsel for the petitioner placed reliance on the judgment in the case of **Mandar Deepak Pawar Vs. State of Maharashtra & Anr. (Criminal Appeal No. 442 of 2022)** in which “a distinction was made between a false promise to marriage which is given on understanding by the maker that it will be broken and a breach of promise which is made in good faith but subsequently not fulfilled”. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 18.01.2025.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the



petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Kishanganj in connection with Mahila P.S. Case No. 80 of 2024 with the condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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