

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31979 of 2025

Arising Out of PS. Case No.-47 Year-2024 Thana- MAHILA P.S. District- Purnia

Fakhruddin @ Md. Fakhruddin S/o Late MoizurRahaman @ Mois R/o
Village- Milky, P.S.- Amour, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. N. K. Agrawal, Sr. Advocate Mr. Fazle Karim, Advocate
For the State	:	Mr. Ram Sumiran Rai, APP
For the Informant	:	Mr. Nadimul Hassan, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 01-08-2025 Heard learned senior counsel for the petitioner,

learned A.P.P. for the State and learned counsel for the

informant.

2. The petitioner seeks bail in a case registered for the

offence punishable under Sections 123, 64, 61(2) and 351(2) of

the B.N.S..

3. As per prosecution case, on 17.09.2024, informant

left her house in a tempo at 11:00 AM to deliver breakfast to her

younger sister who was residing in the hostel of Garhbanelli

School, in the meantime, this petitioner, who happens to be her

cousin, came on a motorcycle, stopped near her and got her

seated on the motorcycle and thereafter, he made her consume a



bottle of *Sprite* mixed with intoxicant which made her unconscious and thereafter, this petitioner took the informant to a hotel and committed rape and at around 3:00 PM when she regained her senses, this petitioner threatened her not to disclose the ordeal to anyone. It is further alleged that thereafter, a *Panchayati* was held but the petitioner and his family members refused to solemnize marriage with the informant.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. The present F.I.R. has been lodged after inordinate delay of 11 days and there is no plausible explanation for the same. During course of examination, one Bhola Mandal and Ramanuj Kumar who happen to be receptionist of the hotel in question, were examined and their statement shows that the entire prosecution case is false and concocted. As a matter of fact the entire prosecution case, as set out in the F.I.R., has been lodged only with a view to pressurize the petitioner to solemnize marriage with the informant. Moreover, charge-sheet has already been submitted and petitioner is in custody since 25.03.2025. Petitioner claims clean antecedents.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of the informant have



vehemently opposed the prayer for grant of bail to the petitioner and submitted that petitioner is named in the F.I.R. with specific accusation that he made the informant unconscious by administering intoxicants and thereafter, committed rape. The victim in her statement recorded under Section 183 of the B.N.S.S. has supported the prosecution case. In the medical report the doctor has opined about the victim's Hymen being ruptured and vagina roomy bleeding which also indicates about the *factum* of rape.

6. Considering the facts and circumstances of the case, specific and direct nature of accusation, statement of victim recorded under Section 183 of the B.N.S.S. and medical report, the prayer for grant bail of to the petitioner is rejected.

7. However, considering the fact that the petitioner is in custody since 25.03.2025, the learned trial court is directed to expedite the trial and conclude the same, as early as possible.

(Prabhat Kumar Singh, J)

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