

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32395 of 2025

Arising Out of PS. Case No.-247 Year-2024 Thana- NAANPUR District- Sitamarhi

Gulzar @ Md. Gulzar S/O Gafoor @ Gafoor Marhoom Resident of Majhaur,
Ward no.- 3, District- Sitamarhi, P.S- Nanpur, State- Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jubaida Khatoon W/O - Md. Gulzar, R/V. Majhaur, Ward No. 03, P.S. - Nanpur, District - Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dwij Raj, Advocate
For the Opposite Party/s : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 13-08-2025 Heard Learned Counsel for the petitioner, Learned Counsel for the Informant and Learned APP for the State.

2. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of anticipatory bail to the petitioner who apprehends arrest in connection with Nanpur P.S. Case No. 247 of 2024, lodged on 01.06.2024, under Sections 448/354B/376/511 of the Indian Penal Code and under Section 8 of the POCSO Act.

3. As per the prosecution, FIR has been lodged against the present petitioner on the basis of complaint, which was converted under Section 156(3) of the Cr.P.C. into FIR, with



allegation that the petitioner has committed rape with the mother as well as her minor daughter.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that after investigation the police has submitted final form in this case, but the Trial Court differing with the police report has taken cognizance found the case untrue. Counsel submits that land dispute is going on between the informant and petitioner side. In this regard, case before the BLDR has been filed, which is Annexure-P/3. In the said BLDR, the case filed by the informant has been dismissed. In retaliation, the present case has been filed. He submits that antecedent of the petitioner is clean.

5. Learned Counsel for the Informant, on the other hand, vehemently opposes the prayer for anticipatory bail and submits that allegation of rape against the complainant/informant and her minor daughter is there in the complaint, which was converted into FIR. He submits that the petitioner is a man of influence, due to which the police has not proceeded against him and it is due to this reason, the complaint case has been filed and police in connivance with him has submitted the final form. Counsel for the informant further



submits that the processes under Sections 82 and 83 of the Cr.P.C. have also been issued and placed before this Court the certified copy of the order sheet dated 13.06.2025 and 26.06.2025, which indicates that processes under Sections 82 and 83 has been filed and process under Section 82 has been issued.

6. Learned APP for the State opposes the prayer for bail of the petitioner but fairly submits that the investigation which has been denied and cases have been found untrue and the Trial Court has taken cognizance later. He also submits that it is true that process under Section 82 has been issued but 82 process has been issued after issuance of notice dated 20.05.2025.

7. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of District & Additional Sessions Judge-IV-cum-Exclusive Special Judge (POCSO), Sitamarhi, in connection with Nanpur P.S. Case No. 247 of 2024, subject to the



conditions as laid down U/s 482(2) of the BNSS, 2023.

8. And further condition that the Trial Court shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the Trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of or in the name of verification.

(Dr. Anshuman, J)

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