

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31830 of 2025

Arising Out of PS. Case No.-223 Year-2024 Thana- SULTANGANJ District- Patna

Md. Irfan Son of Md. Mintu @ Mintu Resident of village - Shahganj
Chauraha Mona Steel, P.S.- Sultanganj, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nuzhat Parveen Daughter of Mohammad Shamim Akhtar Resident of
village - Aman Colony, Near Dargah Road, P.S.- Sultanganj, District - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.K. Lal, Sr. Advocate
		Mr. Pramod Kumar, Advocate
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 20-05-2025 Heard the learned counsel for the petitioner and the

learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Sessions Trial No. 75 of 2025 arising out of Sultanganj P.S.
Case No. 223 of 2024, registered for the offences punishable
under Sections 376 and 506 of the Indian Penal Code.

3. The prosecution case is to the effect that the
informant has alleged that friend of her neighbour, namely, Md.
Irfan (petitioner) had forcefully brought her to his house and
committed rape upon her. It has further been alleged that the
informant was threatened to keep mum otherwise she and her
family would be done to death. The informant has also alleged



that the petitioner had promised for solemnizing marriage with her in a few days and he continuously committed rape with her on the pretext of marriage and finally when she became pregnant, the petitioner refused to marry the informant.

4. The learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case as from mere perusal of the FIR it is evident that the allegation of rape for over a long period is apparently concocted and subsequently from her own averment it is clear that the informant wanted to marry the petitioner and on denial of such claim, he has falsely been implicated on the charges of rape. The learned counsel has stated that there was admittedly a love affair between the petitioner and the informant. However, when the parents of the petitioner did not agree, a false case of rape has been lodged. The learned counsel for the petitioner further submits that the girl had not undergone any medical examination and she has refused for the same. Lastly, it has been submitted that the petitioner is an accused in one criminal case and he is in custody since 12.06.2024 in the present case.

5. The learned A.P.P. for the State has vehemently opposed the prayer for bail and has stated that there is specific allegation upon the petitioner to have committed rape upon the



informant.

6. Considering the aforesaid submissions made by the respective parties and taking into account that there is a delay of almost four months in lodging of the FIR and from the averments made in the written report of the informant and also the period of custody, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned Additional District Judge-XXII, Patna, in connection with S.Tr. No. 75 of 2025 arising out of Sultanganj P.S. Case No. 223 of 2024, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioner in similar nature of offence, the bail bond of the petitioner will be liable to be cancelled by the



Court concerned.

(iv) And further condition that the court below 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 court below 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.

(Sourendra Pandey, J)

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