

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33572 of 2025

Arising Out of PS. Case No.-51 Year-2022 Thana- MAHILA PS District- Darbhanga

Ajay Prasad S/o Uday Narayan Prasad Resident of Village/Mohalla- Sareya
(Ward no. 4), Gopalganj, P.S.- Gopalganj, District- Gopalganj (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murli Manohar Singh, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-07-2025 Heard Mr. Murli Manohar Singh, learned counsel for the petitioner and learned counsel for the informant who has, suo moto, appeared in the present case.

2. The petitioner is apprehending his arrest in connection with Mahila P.S. Case No. 51 of 2022, F.I.R. dated 01.08.2022 for the offences punishable under Sections 498(A), 323, 406, 504, 506, 313, 376 and 379 of the Indian Penal Code.

3. According to prosecution case, one Abhay Kumar came in contact with the informant and the said Abhay Kuamr raped the informant on several occasions on the pretext that he will marry with the informant and also keep her child, in the meantime, she became pregnant and the accused forcibly administered some medicine to the informant after which she aborted the child.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that from a bare perusal of the F.I.R it appears that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired when the informant has filed the petition under Section 319 of Cr.P.C. before the learned trial Court. He further submits that from a bare perusal of the F.I.R., it also appears that there is no specific allegation against the petitioner and the petitioner has been made accused in the present case merely on the ground that he is the brother of the accused, namely, Abhay Kumar and said Abhay Kumar has been granted privilege of anticipatory bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 06.04.2023, passed in Cr. Misc. No. 4232 of 2023 after hearing the counsel for the informant.

5. Learned counsel for the informant who has present personally in the Court, has vehemently opposed the prayer for bail of the petitioner and submits that although she has informed the police personnel and she has given the name of



the entire family members of the co-accused, namely, Abhay Kumar but the police has not incorporated the same in the F.I.R.

6. Considering the aforesaid facts and circumstances and the petitioner has clean antecedent, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 learned Additional Sessions Judge-I, Darbhanga in connection with Mahila P.S. Case No. 51 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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.

(Rajesh Kumar Verma, J)

Jyoti Kumari/-

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