

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37480 of 2025

Arising Out of PS. Case No.-16 Year-2025 Thana- SATHI District- West Champaran

Motiur Rahman @ Motiurrahman, aged about 26 years, Male, S/O Sheikh Iftekhar @ Sk. Iftekhar R/O Village- Daniyal Parsauna, P.S.- Sathi, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gulnaj Begam, aged about 23 years, Female, W/O Atikur Rahman, D/O Md. Amzad R/O Vill.- Daniyal Parsauna, P.s.- Sathi, Dist.- West Champaran. Present address, Village Barbiro Devraj, P.o.- Baswariya, P.s.- Lauriya, Dist.- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-06-2025 Heard Mr. Bimlesh Kumar Pandey, learned counsel appearing on behalf of the petitioner and Mr. Nitya Nand Tiwary, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Sathi P.S. Case No. 16/2025 registered for the offence(s) punishable under Sections 126(2), 115(2), 74, 356(2), 86, 352, 351(2), 3(5) of the BNS and Sections 3,4 of Dowry Prohibition Act.

3. As per the allegation made in the FIR, informant has alleged that her husband is impotent and the petitioner being the elder brother of her husband tried to take undue



advantage of the said condition of his brother and tried to commit wrong with her.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent. Informant has admitted in the FIR that she lives separately and there was no occasion for the petitioner to force her to indulge in some immoral act. She has admitted in the FIR that the petitioner was not successful to establish physical relationship with her. Learned counsel further submitted that genesis of such allegation is to harass the petitioner and his entire family members just because allegedly the brother of the petitioner is impotent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made against the petitioner in the FIR and also the fact that informant has admitted in the FIR that petitioner has not been able to establish physical relationship with her, I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be



released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM 6th, Bettiah, West Champaran in connection with Sathi P.S. Case No. 16/2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

Sanjay/-

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