

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36802 of 2025

Arising Out of PS. Case No.-2 Year-2025 Thana- SUKHANI District- Kishanganj

Md Talib @ Talib S/o Late Hamijuddin @ Sukha R/o Village Bilaitibari P.S.-
Sukhani, Distt.- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 19-08-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Sukhani PS Case No. 02 of 2025 instituted for the offences
under Sections 64(1), 89, 308(2), 318(2), 115(2), 352, 351(2) of
the Bharatiya Nyaya Sanhita, 2023.

3. The informant claims that since 2018, her neighbor,
Md. Talib (petitioner) has repeatedly raped, blackmailed, and
extorted her for money and gold using threats of circulating a
naked photo he took of her. She alleges he forced her to have
abortions twice and assaulted her with his family after she threw
his phone into a pond during a recent assault.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. The petitioner is in custody since 27-03-2025 and has no criminal antecedent. On recovery, the statement of the victim has been recorded under Section 183 BNSS, 2023 in which she has allegedly supported the allegation made in the F.I.R. The petitioner is alleged to have established physical relationship on the assurance of marriage. Subsequently, for one reason or the other, the marriage could not be solemnized and for the said reason, the present case has been instituted. Learned counsel for the petitioner submits that no prior complaint was filed before filing of this case. Victim is major and if the allegation is taken on its face value, the sexual relationship so established shall be construed to be consensual in nature. Learned counsel for the petitioner has further placed reliance on cases of the Hon'ble Supreme Court since reported in **2018 SCC Online SC-3100 (Dr. Dhruvaram Murlidhar Sonar versus The State of Maharashtra & Ors)** and **(2019) 9 SCC 608 (Pramod Suryabhan Pawar vs. The State of Maharashtra and Ors.)**.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances



of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sukhani PS Case No. 02 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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