

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39645 of 2025

Arising Out of PS. Case No.-65 Year-2024 Thana- ABADPUR District- Katihar

Md. Alamgeer @ Alamgir S/O Abdul Kuddus Ali Resident of Village-
Chhogra, Police Station- Abadpur, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sakhina Khatoon D/O Late Rustam Ali R/O Village- Gobindpur, P.S-
Abadpur, Distt.- Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate.
For the State : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 09-07-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Abadpur P.S. Case No. 65 of 2024 dated 21.06.2024, registered for the offences punishable under Sections 323, 504, 354, 376 of the Indian Penal Code and subsequently, cognizance has been taken under Section 341, 323, 498-A, 504 and 506/34 of the Indian Penal Code.

3. The present FIR has been lodged on direction of learned Judicial Magistrate under Section 156(3) Cr.PC when the Complainant filed a complaint petition.

4. As per allegation, the informant/Complainant



was earlier married with Jakir Hussain and, thereafter, she was divorced by Jakir Hussain. The informant came into contact with Jahangir who committed rape upon her on the basis of assurance of marriage with her. As per further allegation, the petitioner has also committed rape upon her. However, after investigation, charge sheet was submitted against the petitioner and other co-accused only for the offences punishable under Sections 341, 323, 498A, 504, 506 and 34 of the Indian Penal Code.

5. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that Police found the allegation of rape untrue and even Section 498A of the Indian Penal Code is not made out in view of the alleged facts and circumstances because petitioner is cousin brother of Jahangir and even Jahangir is not husband of the informant. Hence, there is no question of application of Section 498A of the Indian Penal Code against the petitioner. As such, no case is made out against the petitioner and he may be released on anticipatory bail.

5. It is also stated in paragraph No. 2 of the bail



petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph No.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned court below in connection with Abadpur P.S. Case No. 65 of 2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023, and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent,



learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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