

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45959 of 2024

Arising Out of PS. Case No.-132 Year-2023 Thana- JALE District- Darbhanga

Faisal Madni @ Md. Faisal Son of Sagir Ahmad Quasmi @ Sagir Ahmad
Resident of Vill- Pithariya Khurd, P.S.- Jalley, District- Darbhanga, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. NAHIDA PARWEEN D/O- BASHIR R/O- VILLAGE- JALE WARD NO. 13, P.S.- JALE, DISTT.- DARBHANGA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Md. Mushtaque Alam, Adv.
For the Opposite Party/s	:	Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 17-01-2025 Heard Mr. N.K. Agrawal, learned Senior Counsel
for the petitioner and the State.

2. The petitioner is in custody in connection with Jalley P.S. Case No. 132 of 2023 for the offence registered under sections 376 and 365 of the Indian Penal Code lodged on 13.10.2023 by the informant, Nahida Praveen.

3. As per the prosecution story, the informant alleged that she got headache, went to the shop of the petitioner, took medicine but in the night on the threat of pistol, he committed rape and further threatened to kill her, if the matter is disclosed to anyone. Since her husband used to live abroad when he was to return, the petitioner called the informant, asked her to come



out and later with the help of other accused persons after putting cloth in the mouth, kidnapped and taken to a deserted place and again committed rape. They left after snatching her mobile phone. Accordingly, the FIR.

4. Learned Senior Counsel for the petitioner submits that earlier the petitioner moved before this Court in Cr. Misc. No. 13769 of 2024 which was rejected on 12.03.2024. Thereafter, he diligently surrendered on 29.04.2024 (para 12 of the petition). It is his case that a perusal of the FIR would show that personal animosity has been given the color of rape and further submits that though she alleged that at the said time, she was pregnant, the medical report was found to be negative. She is major, married to a person in the year 2017, had infatuation for him, wanted anyhow to marry but as she being a married lady, the petitioner chose to look the other way, got implicated. He further submits that the petitioner has remained in custody for almost eight months and undertake to diligently appear in trial if granted bail. It is his submission that the trial has still not been commenced.

5. Learned APP on the other hand opposes the prayer for bail submitting that earlier his anticipatory bail was rejected as the lady both in the FIR as also 164 Cr.P.C. statement has



supported the case.

6. Taking into account the aforesaid facts as also that the petitioner do not have criminal antecedent, he has remained in custody since 29.04.2024 and an undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM, 1st, Darbhanga in connection with Jalley P.S. Case No. 132 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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