

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43607 of 2025

Arising Out of PS. Case No.-67 Year-2024 Thana- AMARPUR District- Banka

Md. Imtiyaz Son of Md. Ilyas Resident of village - Datwati, Police Station -
Amarpur, District - Banka.

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Bibi Juhi Wife of Md. Sabir Resident of village - Datwati, Police Station -
Amarpur, District - Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 29-08-2025 Heard Mr. Ajay Mukherjee, learned counsel for

the petitioner and Mr. Bharat Bhushan, learned APP

representing the State.

2. The petitioner is in custody in connection with
Amarpur P.S. Case No. 67 of 2024 for the offence punishable
under sections 376, 354(C) and 509 of the Indian Penal Code
and section 67(a) of the I.T. Act, lodged on 29.01.2024 by the
informant, Bibi Juhi.

3. As per the prosecution story, the allegation is that
the petitioner who is a neighbour while she was on move took
her to the agricultural land and committed rape, the



photographs were also prepared which was later uploaded on the facebook account which followed the F.I.R.

4. Learned counsel for the petitioner submits that it was consensual relationship which clearly show from the fact that the act was photographed/videographed. He never made the photos/videos viral but somehow it went on and now he finds himself implicated in the case. Further submission is that the lady is married and there is a gap between the act and the F.I.R. There is no likelihood of conclusion of trial and if granted bail, he shall be diligently appearing in trial and shall in now way try to influence the same.

5. Learned APP opposes the prayer for bail submitting that even if it was consensual, the photos/videos were made by the petitioner.

6. In this case, the Court called for the status report which is on record vide letter dated 10.07.2025 according to which five out of eight witnesses have been examined and the rest are to be examined.

7. Taking into account the fact that he is in custody since 06.02.2024, has no criminal antecedent, an undertaking has been given that he shall be diligently appearing in trial and shall not influence the same, in that background, this Court is



inclined to extend him the privilege of bail.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned District & Additional Sessions Judge-I-cum-Special Judge SC/ST Act, Banka, in connection with Amarpur P.S. Case No. 67 of 2024 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 till the conclusion of the trial to mark his attendance and at the time of conclusion of trial a certificate be submitted before the Trial Court;

(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)

vinayak/-

U		T	
---	--	---	--

