

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44899 of 2025

Arising Out of PS. Case No.-249 Year-2024 Thana- BELA District- Sitamarhi

Md. Sarfe Alam S/o Abid Sah, Resident of Village- Khuddi Bakhari, P.S.-
Bela, Distt- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 30-07-2025 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial No. 244 of 2025, arising out of Bela P.S. Case No. 249 of 2024, dated 18.11.2024 registered for the offences punishable under Sections 126(2), 115(2) and 64 read with Section 3(5) of the BNS.

3. As per the prosecution case, it is alleged that the petitioner was teasing the informant for about three years and when she complained the same to the elder brother of the petitioner, they assured informant's father that they will perform informant's marriage with the petitioner. It is further alleged that when the informant's father was not at home, the accused Arse



Alam entered into her house and committed rape upon her and continued to make physical relationship with her. It is further alleged that petitioner also committed rape on the victim and when the informant complained about her pregnancy to the petitioner, he suggested that she should abort the child. It is further alleged that all the FIR named accused persons also assaulted the informant.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case due to personal enmity. It is further submitted that the petitioner never committed rape upon the victim, rather they were in a consensual relationship. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. The petitioner is in custody since 21.01.2025.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as petitioner's period of custody, the petitioner, above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-IV-



cum-Exclusive Special Judge (Rape & POCSO Act), Sitamarhi,
in connection with **STR No. 244 of 2025, arising out of Bela
P.S. Case No. 249 of 2024**, on further condition:

*(i) The petitioner is directed to remain physically
present before the learned trial Court on each and every date,
failing which on two consecutive dates without reasonable
cause, the bail bond of the petitioner is liable to be cancelled.*

7. The application stands allowed.

(Chandra Prakash Singh, J)

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