

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45780 of 2025

Arising Out of PS. Case No.-309 Year-2018 Thana- RAXAUL District- East Champaran

Arman @ Md. Arman @ Arman Alam S/O Tajmul Miyan R/O Village-
Bela,PS-Ramgarhwa, Distt-East Champaran

... .. Petitioner

Versus

1. The State of Bihar
2. Md. Mustajab Alam S/O Manauar Alam R/O Village-Bara Parerwa,PS-
Raxaul,Distt-East Champaran

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari, Advocate

For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-09-2025 Heard learned counsel appearing on behalf of the

petitioner and Mr. Satyendra Prasad, learned A.P.P. for the

State.

2. The accused/petitioner seeks bail in connection
with Raxaul P.S. Case No. 309 of 2018 registered for the
offences under Sections 363A, 366A and 370 of the Indian
Penal Code.

3. The accused/petitioner is named in the First
Information Report and is in custody since 23.04.2025.

4. As per FIR, the informant alleged in his complaint
petition, on the basis of which the present FIR was lodged,



that while his daughter was going to study in Kasturba Girls High School, the petitioner and others enticed her on the pretext that her parents called her to see the relative admitted in Duncan Hospital, Raxaul, but thereafter the petitioner and others are said to have kidnapped the victim.

5. The complaint No. C357/2018, which is the basis of present FIR, was filed after seven days of alleged occurrence.

6. It is submitted by learned counsel appearing on behalf of the petitioner that the present complaint case was filed as a matter of afterthought for the reasons that the love affairs of petitioner with the victim was not approved by her parents/complainant.

7. It is submitted that out of said love affairs, the victim went along with petitioner up to Kerala, where she resided together for one month but after returning therefrom under tutoring of parents, she raised allegation of penetrative sexual assault/rape while recording her statement under section 164 of the Cr.P.C.

8. It is also submitted that the complainant shortly



realized her mistakes and retracted from her earlier version and therefore she filed a petition on affidavit before learned court of S.D.J.M., Motihari where she categorically mentioned as not to pursue this matter further due to compromise.

9. It is also submitted that upon medical examination, nothing incriminating found medically and, moreover, the victim, upon radiological examination, was found between the age group of 17 to 18 years.

10. It is submitted that with all such background keeping the petitioner behind the bar would not serve any purpose of justice, particularly when investigation of this case is already completed and charge-sheet has been submitted and as such, there is no chance of tampering with the evidence. Petitioner claimed clean antecedent.

11. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

12. In view of aforesaid factual submission and by taking note of the fact as *prima facie* the retracted version of complainant on affidavit creates a doubt *qua* the occurrence, where investigation of this case already concluded, coupled



with the fact that petitioner being a man of clean antecedent remains in custody since 23.04.2025, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Raxaul, Bihar, in connection with Raxaul P.S. Case No. 309 of 2018, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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

