

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46319 of 2025

Arising Out of PS. Case No.-21 Year-2025 Thana- MAHILA P.S. District- Kishanganj

Mubassir Alam @ Munna S/o- Sakir Alam Village- Bhoraha PS-Taragachh
Distt- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 09-12-2025 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant, Mr. Ram Prawesh Kumar.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 126(2), 89, 69 and 3(5) of the BNS, 2023.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that after the death of her parents, she was staying with her sister at her matrimonial house, further petitioner is related, being son of brother-in-law of her uncle, next alleges that on 06.06.2024 petitioner came in absence of her sister and forcefully raped her, but in the meantime, her sister came when petitioner assured that he will marry her and on false promise of



marriage established physical relation several times, on account of which she became pregnant, as such, the informant informed parents and brother of petitioner who asked her to get the pregnancy aborted and thereafter only *Nikah* would be performed, thereafter on 06.11.2024 petitioner along with his family members came and forcefully administered her medicine leading to abortion and fixed 19.01.2025 as the date of marriage, but she came to know that petitioner got married on 20.01.2025.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that petitioner and the informant being major had entered into a consensual relationship. It is further submitted that informant, in order to make out a case, falsely alleges that petitioner in absence of her sister came and raped her and when her sister came he assured that he will marry her. It is next submitted that no doubt the relationship was consensual, but then there was no promise of marriage. It is further submitted that though the informant alleges that she, on account of physical relationship became pregnant, but then her pregnancy was aborted, but then the said allegation has been alleged only to give seriousness to the case. It is further



submitted that relationship in between the petitioner and the informant soured when parents of the petitioner fixed his marriage with another girl and after marriage, the instant false case came to be instituted. It is also submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. for the State as well as learned counsel appearing on behalf of the informant opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kishanganj Mahila P.S. Case No. 21 of 2025 subject to the conditions as laid down under Section 482 (2) of BNSS.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite



giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

8. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

9. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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