

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48320 of 2025

Arising Out of PS. Case No.-203 Year-2025 Thana- RAXAUL District- East Champaran

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1. Afroz Alam @ Md. Afroj Alam S/O Zakir Miyan @ Md. Zakir Hussain @ Mohammad Jakir R/O Village- Bada Pareuwa, P.S- Raxaul, Distt.- East Champaran.
2. Asraf Alam @ Md. Asraf Alam S/O Mustaque Alam R/O Village- Bada Pareuwa, P.S- Raxaul, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. X W/O Y R/O Village- Bada Pareuwa, P.S- Raxaul, Distt.- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar No. III, Adv.
For the Opposite Party/s	:	Ms. Rina Sinha, APP
For the Informant	:	Mr. Ritesh Kumar Singh, Adv. Mr. Vijay Shankar Srivastava, Adv.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 19-09-2025 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 70(1), 115(2) and 351(2) of the BNS as well as Sections 7 and 8 of the



POCSO Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that on 05.05.2025 at about 11:00 AM Imroz Alam and Rehan and forcefully made her minor daughter aged about 16 years sit on their motorcycle while she was on her way to her school and took her to Shyam Hotel where some intoxicating substance was administered and then they established physical relation with her, it is further alleged that one of the villagers saw the accused persons kidnapping the victim and he, accordingly, informed the informant, thereafter the informant along with other persons reached the hotel and apprehended both the accused with the victim and brought them to the village, however, the accused persons came and freed both the accused who were apprehended by the informant and her family members.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant being relative of Rehan. It is next submitted that the date of occurrence is 05.05.2025 and the FIR came to be instituted on 09.05.2025. It is also submitted that had the occurrence as alleged taken place, in that event the informant



would have immediately informed the police. It is further submitted that the statement of the victim has been recorded under Section 183 of the BNSS wherein she has stated that she was knowing Rehan for the last six months, but then her marriage was fixed and on the date of occurrence she had gone to a cyber cafe where Rehan met and asked her to have lemon water and after consuming lemon water, she realized that she was in a hotel where her mother along with others came and brought her back to the home along with Rehan and Imroz when family members of Rehan came and abused and assaulted the side of the informant and took the accused away.

5. The learned counsel for the petitioners further submits that from perusal of the allegation as alleged in the FIR and the statement of the victim as recorded under Section 183 BNSS, it would manifest that the same is dichotomic, as the informant alleges that a villager saw the accused kidnapping her on a motorcycle while the victim alleges that she was offered lemon water and after consuming the same, she became unconscious and thereafter found herself in a hotel. It is also submitted that since petitioners are related to Rehan and Imroz, hence, they have been implicated in the instant case with general and omnibus allegation of assault. It is further submitted



that even presuming what has been alleged is true without admitting then allegation of rape is against Rehan and Imroz and anticipatory bail application of Imroz Alam stands rejected by an order dated 20.08.2025 in Criminal Miscellaneous No. 53737 of 2025.

6. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioners, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that allegation of assault and abuse is general and omnibus in nature and petitioners are not alleged to have committed rape.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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) each 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 Raxaul P.S. Case No. 203 of 2025 subject to the conditions as laid down under Section 482 (2) of BNSS.



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

(Satyavrat Verma, J)

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