

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51544 of 2025

Arising Out of PS. Case No.-23 Year-2025 Thana- MAHILA P.S. District- Araria

Altamas @ Gufran @ Md Gufran Alam S/O Imtayaz @ Md Imtiyaz Alam
R/O Vill.- Bhagwanpur, Ward no. 1, P.S.- Baigachhi, Dist.- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Busra Naz D/O Abdul Kuddus R/O Vill.- Baigachhi, Ward no. 14, P.S.- Baigachhi, Dist.- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. N. K. Aggarwal, Sr. Advocate Mr. Kumar Rajdeep, Advocate
For the State	:	Mr. Choubey Jawahar, APP
For Opposite Party No. 2:	:	Mr. Prasoon Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-08-2025 Heard learned senior counsel appearing on behalf of the petitioner, learned APP appearing on behalf of the State and learned counsel appearing on behalf of the informant/Opposite Party No. 2.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 64, 126(2), 351(2) and 351(3) of the B.N.S..

3. The prosecution case, in brief, is that sister of informant, namely *Alina*, was married with this petitioner and after some time, the informant came to reside with her sister and this petitioner. It is alleged that one day when informant's sister had gone out for some marketing, this petitioner committed rape



with informant and also threatened not to disclose the ordeal to anyone otherwise he would divorce his sister. It is further alleged that thereafter, this petitioner continuously sexually exploited informant and on 17.04.2025, when informant along with her sister returned to her parental home, she narrated the entire incident to her parents.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is quite innocent and has committed no offence. As a matter of fact, petitioner was married to sister of informant on 05.08.2018 and after their divorce, some dispute relating to *Mehar* arose between the parties and only with a view to pressurize the petitioner and settle the dispute, this false and concocted case has been lodged by the informant. Petitioner is own brother-in-law of informant. In the medical report, doctor has not found any sign of fresh sexual assault. F.I.R. has been lodged after delay and is bereft of material particulars like date, time, place of the alleged occurrence. It is further submitted that during pendency of this case, due to intervention of well wishers of both the sides, a *Panchayati* was convened and dispute between the parties has already been resolved and a compromise petition to this effect has also been filed before the learned trial court, copy of which



is Annexure-3 to this bail petition. Petitioner claims clean antecedents.

5. Learned counsel appearing on behalf of the informant/Opposite Party No. 2 does not controvert to the submissions advanced on behalf of the petitioner and confirms the fact of compromise between the parties.

6. Considering the facts and circumstances of the case, relationship between the parties, medical report, delay in lodging of F.I.R. and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Araria in connection with Mahila P.S. Case No. 23 of 2025, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

shashank/-

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

