

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51903 of 2025

Arising Out of PS. Case No.-373 Year-2024 Thana- AMAUR District- Purnia

Rabid @ Md. Rabid Alam S/o Jubair Resident of village - Mahingaon, police station- Amour, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar Singh, Adv
For the Opposite Party/s	:	Mr. Nagendra Prasad, APP
For the Informant	:	Mr. Kumar Mangalam, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-11-2025 Heard the parties.

2. The accused/petitioner is named in the F.I.R. and apprehending his arrest in connection with Amour P.S. Case No. 373 of 2024 registered for the offences punishable under Sections 191, 64, 115(2) and 61 of the BNS.

3. As per FIR, which is founded upon Complaint Case No. 2011 of 2024 as filed before learned CJM, Purnea suggesting that on the intervening night of 04.07.2024 petitioner committed rape upon informant aged about 21 years and when occurrence was noticed by *khala* of the informant a promise of marriage was made by petitioner, which was not acted upon.

4. Learned counsel appearing on behalf of the petitioner submitted that present complaint was lodged on



19.09.2024 for the occurrence dated 04.07.2024 after delay of more than two months without having any just explanation. It is pointed out that upon medical examination victim found major and no sign of sexual violence was noticed in and around private part, which may suggest that she was subjected to rape. It is submitted that when for any of the reason marriage of petitioner with informant could not solemnize present false case was lodged. While concluding the argument it is submitted that, petitioner is a man of clean antecedent and moreover, investigation of this case has already completed, and as such, there is no chance of tampering with the evidence.

5. Learned APP duly assisted by learned counsel for the informant, while opposing the prayer for anticipatory bail submitted that complainant/victim supported the occurrence while recording her statement under Section 164 of the Cr.P.C. However, he could not disputed aforesaid factual submission regarding lodging of FIR with aforesaid delay and also other factual submission.

6. In view of the facts and circumstances and by taking note of the fact as allegation of rape primarily appears for the reason as marriage of petitioner could not solemnize with informant/complainant, where complaint was lodged with the delay



of more than two months without any just explanation, accordingly the petitioner above named, in the event of his arrest or surrender before the learned trial court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Purnea/concerned trial court where the case is pending in connection with Amour P.S. Case No. 373 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C./ Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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