

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59046 of 2025

Arising Out of PS. Case No.-266 Year-2023 Thana- KOCHADHAMAN District- Kishanganj

Maulana Shamsul Haque @ Md Shamsul Haque Son of Asfaque Alam R/o
Bahichakutti, Purab Tola, P.S.- Kochadhaman, Distt. Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Mr. Kumar Rajdeep, Mr. S.K. Choudhary, Adv
For the Opposite Party/s	:	Mr. Ram Priya Sharan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 31-10-2025 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. Earlier, regular bail application of petitioner was
rejected *vide* order dated 14.02.2025 passed in Cr. Misc. No.
79302 of 2024.

3. Prosecution case, in brief, is that husband of the
informant took loan of Rs. 95,000/- from the petitioner for going
to Saudi. It is further alleged that after some days, this petitioner
came to the house of informant and committed rape with her
and also prepared videos and photographs of the same. On the
basis of the alleged videos and photographs, he continued to
establish physical relation with the informant on several
occasions.



4. Learned counsel for the petitioner submits that entire case as set out in the F.I.R. is false and concocted. From bare perusal of the F.I.R. it is apparent that informant is married and mother of three children. Acts of repeated intimacy and sexual relation were totally consensual in nature and were not established under any false promise, threat or coercion. It is a case of prolonged voluntary relationship/love affair between two consenting adults which have been given colour of forcible sexual intercourse with oblique purpose and motive. It is hard to believe that the informant, who is a matured lady and mother of three children, kept on bending to the demands of this petitioner for months together without raising any protest to any quarter that the petitioner was exploiting her sexually. The relationship between the parties is sufficient to conclude that there was never any element of force or deceit in the relationship. Petitioner is in custody since 13.08.2024.

5. Learned A.P.P. for the State vehemently opposed the bail application.

6. Considering the aforesaid facts and circumstances of the case and period of custody, the petitioner, above named, is directed to 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 the learned Chief Judicial Magistrate,
Kishanganj in connection with Kochadhaman P. S. Case No.
266 of 2023.

(Prabhat Kumar Singh, J)

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