

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55029 of 2025

Arising Out of PS. Case No.-103 Year-2025 Thana- DIGHALBANK District- Kishanganj

Sarfraz Alam @ Md. Sarfraz Alam, S/o - Md. Muslim, R/o Village- Sripur
Ward No. 11, P.S.- Dighalbank, District- Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. [REDACTED], R/o Village- Sripur Ward No. 11, P.S.-
Dighalbank, District- Kishanganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md Ziaul Quamar, Adv.
For the State	:	Mr. Narsingh Tanti, APP
For the Informant	:	Mr. Raj Kumar, Adv.
		Mr. Partik Kumar, Adv.
		Ms. Chitra Dwivedi, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

218-08-2025

Heard Mr. Md Ziaul Quamar, learned counsel for
the petitioner, Mr. Narsingh Tanti, learned APP for the State and
Mr. Raj Kumar, learned counsel for the informant.

2. Petitioner seeks regular bail in connection with
Dighalbank P.S. Case No. 103 of 2025 dated 31.05.2025
registered for the offences punishable under sections 64(1), 74,
76, 329(3) and 3(5) of the Bharatiya Nyaya Sanhita (in short
'BNS').

3. The main submissions advanced by petitioner's
counsel are that the narration of the incident in the FIR clearly
shows that the alleged physical relationship between the



petitioner and the informant was completely consensual as according to the informant, who is a married lady having six children, the petitioner had raped her several times and on 29.05.2025, he again raped her after entering into her house and assured her that he would marry her if her husband would leave her but in actual, on 29.05.2025 when the petitioner and the informant were in a compromising situation then the informant's mother-in-law came and saw them and all these facts clearly shows that the informant was consensual to the alleged relationship. It is further submitted that the petitioner bear no criminal antecedent and has been languishing in jail since 01.06.2025 and against him, the investigation has been completed. It is lastly submitted that on the body of the informant, no any external injury was found which also shows that she did not make any resistance during the course of establishing a relationship with the petitioner.

4. Learned counsel appearing for the informant submits that the petitioner is the main accused and against him there is a serious allegation of rape and he does not deserve to the privilege of bail.

5. Learned APP for the State has also opposed the prayer of the petitioner.



6. Considering the aforesaid submissions advanced by petitioner’s counsel and mainly the facts that the informant, who is a married lady having six children as stated above, remained mum with regard to the physical relationship allegedly committed by this petitioner forcefully on several occasions before the commission of the alleged occurrence on 29.05.2025 and this conduct goes against the informant and also coupled with completion of investigation against this petitioner and his fair and clean antecedent, this Court is inclined to release him on bail. Accordingly, let the petitioner named-above be released on bail on furnishing bail bond of Rs.20,000/-(Twenty Thousand) with two sureties of the like amount each to the satisfaction of the court concerned in connection with Dighalbank P.S. Case No. 103 of 2025.

(Shailendra Singh, J)

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