

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56352 of 2025

Arising Out of PS. Case No.-40 Year-2024 Thana- MAHILA PS District- East Champaran

Mahatab Alam S/O Shekh Najir @ Najeer Ahmad Village- Jhitkahiya, P.S.-
Pachpakri, Dist.- East Champaran

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Rahat Jahan D/O Seikh Ali Akhtar R/O Vill.- Hasima, P.s.- Bairganiya,
Dist.- Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Adv
	:	Mr. Shamir Mehra, Adv
For the Opposite Party/s	:	Mr. Dilip Kumar No. 1, APP
For the Informant	:	Mr. Shakil Ahmad Khan, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-11-2025 Heard the parties.

2. The accused/petitioner is named in the F.I.R.

and apprehended his arrest in connection with Mahila P.S.

Case No. 40 of 2024 registered for the offences punishable

under Sections 376 and 34 of the Indian Penal Code and

Sections 66(E) and 67 A of the I.T. Act.

3. The allegation against the petitioner is to

establish physical relation with informant by blackmailing her

on pretext of making her objectionable photographs viral in

public domain.



4. Learned counsel appearing on behalf of the petitioner submitted that informant is major and student of B.A. 1st year. It is also submitted that as per radiological examination her age was determined above 20 years. It is submitted that relation was established consensually and when for any of the social reasons marriage of petitioner with informant/victim was not approved by his parents, present false case was lodged after 17 months of the alleged occurrence without any just explanation. While concluding the argument learned counsel submitted that petitioner is a man of clean antecedent.

5. Learned APP duly assisted by learned counsel for the informant, while opposing the prayer for anticipatory bail submitted that allegation of rape is specifically available against this petitioner which is duly supported by informant/victim in her statement as recorded under Section 183 of the BNSS.

6. In view of the facts and circumstances and by taking note of the fact as FIR in issue appears to be registered after 17 months of the alleged occurrence as submitted



aforesaid without any just explanation, coupled with fact allegation of rape is in the background of false pretext of marriage, accordingly 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 District and Additional Sessions Judge, Exclusive Special Judge (Rape & POCSO), Motihari, East Champaran/concerned trial court where the case is pending in connection with Mahila P.S. Case No. 40 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.)

S.Tripathi/-

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