

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69272 of 2024

Arising Out of PS. Case No.-70 Year-2024 Thana- MIRGANJ District- Purnia

Md. Imtiyaz Alam @ Md. Imtiyaz Son of Mahir Anasari Resident of Village -
Mirganj Dacaita, P.S. - Mirganj, District - purnea

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal

For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 10-04-2025 Heard learned Counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The present application is for grant of anticipatory
bail, in connection with Mirganj P.S. Case No.70 of 2024 for
offences under Sections 341, 323, 504, 506, 376/34 of the
Indian Penal Code.

3. The prosecution case, as disclosed in the First
Information Report is that on 02.03.2022, when the prosecutrix
was all alone in her house, the petitioner, finding her alone,
came inside her house and tried to commit rape upon her, and
when objected by the informant, the said offence was committed
after showing knife. It has been further alleged that after
committing the offense of rape, the petitioner had promised that
he would marry her. Subsequently, it is stated that even on
future dates, whenever she used to be alone, the petitioner used



to come to her house and used to establish physical relationship with her on the pretext of marrying her. It is further alleged that on 26.05.2024, when the petitioner and the informant were engaged in the physical relationship, they were seen by the mother of the informant, and a promise was also made to her that the petitioner would marry her daughter. However, when the said information about the said relationship was given to the family of the petitioner, then they started hurling abuses and did not appear for Panchayati, which was organized for reaching a settlement, and it is only after this that the informant has filed a complaint case before the Court of C.J.M., whereupon the F.I.R. was drawn after being sent under Section 156(3) of the Cr.P.C.

4. Learned counsel for the petitioner submits that the offence dates back to the year 2022, as it has been stated in the F.I.R. that initially the petitioner had come to the house of the informant on 02.03.2022, and it is only after a lapse of more than two years, when the informant and the petitioner were seen in a compromising position by the mother of the informant, that the present complaint case came to be filed, after due thought and deliberation. With regard to the allegation of giving a false promise that he would marry the informant, it is stated by the petitioner that so far as the false promise of marrying the



petitioner is concerned, the petitioner completely denies the same and also denies of having any physical relationship with the informant. The learned counsel for the petitioner, however, submits that the present case has been filed only with the purpose of solemnizing the marriage of the informant with this petitioner, and it is pointed out by the learned counsel for the informant that some money dispute also existed between the parties, and the petitioner has taken such ground for his false implication. It has been further submitted by the learned counsel for the petitioner that the informant was also medically examined and her medical examination report is contained in paragraph 38 of the case diary, from a perusal of which it would appear that there was no sign of sexual assault at the time of examination and the age of the victim has been assessed to be 17-24 years as on 17.08.2024. It has also been submitted that the present case, would at best be a case of breach of promise and not of a false promise.

5. Learned counsel for the informant submits that since the medical examination of the girl victim had taken place after a long lapse of time, that is the reason why no recent signs of sexual assault was found on the person of the victim. This Court finds that there is continuous allegation of the petitioner



engaging in physical relationship with the informant till 26.05.2024, when they were caught in a compromising position by the mother of the informant. In such view of the matter, some indications would have come in the medical report, which is totally absent. Moreover, the medically assessed age of the victim also indicates that she was capable of making a conscious and informed choice.

6. Learned APP for the State as well as learned counsel for the informant opposes the prayer for anticipatory bail application.

7. Taking into consideration the facts and circumstances of the case, including huge and substantial delay in lodging of the complaint by the informant, the medical examination report of the victim showing her age between 17 to 24 years with no recent signs of sexual assault and also considering the fact that the petitioner has no criminal antecedent, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released 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 C.J.M., Purnea, in connection with Mirganj P.S. Case No.70 of 2024, subject to the condition laid



down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and subject to the further condition that the petitioner shall co-operate in the investigation/trial.

(Soni Shrivastava, J)

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