

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74228 of 2024

Arising Out of PS. Case No.-60 Year-2023 Thana- MAHILA PS District- Darbhanga

Md. Jawaid Rayeen @ Mohammad Javed Rain @ Jawed Rain S/o Md. Tahir
@ Mohammad Tahir Rain R/o Village- Pali, P.S.- Ghanshyampur, District-
Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Afsana Praveen @ Afsana Khatoon D/o Zakir Rain R/o Village- Pali, P.S.-
Ghanshyampur, District- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Md. Shamimul Hoda, Advocate
For the Informant	:	Mr. Ajay Kumar, Advocate
For the Opposite Party/s	:	Mr. Rina Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

7 17-06-2025 Heard Md. Shamimul Hoda, the learned counsel for
the petitioner, Mr Ajay Kumar, the learned counsel for the
Informant and Ms. Rina Sinha, the learned Additional Public
Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Mahila P.S. Case No. 60 of 2023, registered for the offences
punishable under Sections 376, 313, 511/34 of the Indian Penal
Code and Section 4 and 6 of POCSO Act.
Petitioner has clean antecedent.

3. As per the prosecution case, the informant has
alleged that during her studies at Madarsa, she came in contact
with the petitioner and they had been in relationship for the last



three years and finally when it was detected that she is pregnant, she tried to contact the petitioner and his family members for marriage, however, they refused and thereafter the present FIR was lodged on the charges of rape against the petitioner and other family members.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to personal rivalry with the local politician. The learned counsel has further stated that the false implication of the petitioner can be gathered from the fact that during the course of investigation, in the medical examination of the victim, it was found that she was pregnant and was carrying a foetus of six weeks. It has next been submitted that it was just prior to the D.N.A. test of the victim, the police was informed that there was an abortion on 23.07.2023 i.e. after seven weeks of pregnancy and mysteriously there was no medical prescription to show the same. The learned counsel has stated that the petitioner has clean antecedent and is in custody since 29.01.2024 and the entire story of rape and allegation upon the petitioner of denying the marriage with the victim is concocted.

5. The learned counsel for the Informant as well as the learned Additional Public Prosecutor for the State has



vehemently opposed the prayer for bail and has stated that there is specific allegation upon the petitioner to have committed rape on the pretext of marrying the victim. It has also been stated that the petitioner had even tried to assault the victim and forced her to terminate the pregnancy.

6. Considering the aforesaid submissions made by the parties and taking into account the period of custody and the materials collected during the course of investigation, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, 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 the court of learned Special Judge (POCSO Act), Darbhanga, in connection with Mahila P.S. Case No. 60 of 2023, subject to the following conditions:-

(i) It is directed that if the learned Court below finds that the trial of the present case is delayed on account of the petitioner, the prosecution shall be at liberty to file a petition for the cancellation of bail of the petitioner.

(ii) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(iii) The petitioner shall remain physically present in



Court on each date of the trial.

(iv) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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