

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78276 of 2024

Arising Out of PS. Case No.-289 Year-2022 Thana- KATRA District- Muzaffarpur

Md Rahim @ Abdul Rahim S/O Late Md Mosim @ Md Mohsin R/O village -
Chichari, P.S- Katra, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Bela Singh, Advocate
For the Opposite Party/s	:	Mr. Choubey Jawahar, APP
For the Informant	:	None

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

7 23-04-2025 Heard Mrs. Bela Singh, learned counsel for the
petitioner and Mr. Choubey Jawahar, learned APP for the State.
Perused the case diary.

2. The petitioner seeks bail in connection with Katra
P.S. Case No. 289 of 2022 instituted for the offences under
Sections 376, 504, 506, 34 of the Indian Penal Code.

3. Prosecution case, in short, is that petitioner
established physical relationship with the victim on the pretext
of marriage.

4. Learned counsel for the petitioner submitted that the
petitioner is innocent and has falsely been implicated in the
present case. Learned counsel further submitted that this
petitioner never had physical relationship with the victim nor



promised her for marriage. Learned counsel further submitted that there is inordinate delay in lodging the FIR without plausible explanation, which in itself, raises doubt over the prosecution story. It has been submitted on behalf of the petitioner that the petitioner is in custody since 20.08.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that he has filed supplementary counter-affidavit on behalf of the S.H.O., Katra Police Station, Muzaffarpur. He further submitted that victim is still traceless, however, Investigating Officer is taking all possible efforts for safe recovery of the victim. He further submitted that, since the victim is still traceless, her statement under Section 183 of the BNSS has not been recorded as yet. He next submitted that police after investigation submitted charge-sheet against the petitioner under Sections 376, 504, 506/34 of the IPC.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of



Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Katra P.S. Case No. 289 of 2022, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(IV) The petitioner shall not leave the territorial jurisdiction of the learned court below without taking its prior permission. If the petitioner violates any condition/s, the prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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