

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74312 of 2025

Arising Out of PS. Case No.-335 Year-2025 Thana- BAISI District- Purnia

Md. Zafar S/o Md. Jalal R/o Village- Pahariya, P.S.- Baisi, District-
Purnea

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Ajay Kumar Thakur, Advocate Ms.Vaishnavi Singh, Advocate
For the State	:	Mr.Anil Prasad Singh, APP
For the Informant	:	Mr.Md.Fazle Karim, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-11-2025 Heard learned counsel for the petitioner and learned

APP for the State duly assisted by learned counsel for the

victim/informant.

2. The accused-petitioner, named in the F.I.R., is
apprehending his arrest in connection with Baisi P.S. Case No.
335 of 2025 registered for the offences punishable under
Sections 64(1) & 87 of the Bhartiya Nyay Sanhita, 2023 (in
short, the 'B.N.S.').

3. Counter affidavit, as filed by learned counsel
appearing for the informant/victim, submitted across the
board which, has been taken on record.

4. As per FIR, the informant, while went to attend the



call of nature on 14.08.2025 at about 4:00 A.M., the petitioner brought her to his home on point of knife and thereafter committed rape upon her. The fact also came into the knowledge of parents of petitioner who also supported the occurrence and planned to kill the informant. A Panchayati was also convened but the matter was not settled. It is also alleged that petitioner offered cash of Rs. Five Lakhs to the informant/victim.

5. Mr. Ajay Kumar Thakur, learned counsel appearing on behalf of the petitioner submitted that the present implication raised out of monetary disputes between the family of informant/victim and the petitioner where both parties are neighbours.

6. It is further submitted by Mr. Thakur that by any prudent imagination, it cannot be gathered that the victim/informant be brought first to the house from an isolated place, where parents are available and thereafter to commit rape upon her. It is submitted by Mr. Thakur that Panchayati was also convened for marriage and when same could not finalized, the present allegation of rape was raised



against this petitioner. It is submitted that though the petitioner is accused in three criminal cases, but he is on bail in all these three cases related with excise and NDPS Act, having otherwise no bearing with the present case.

7. It is also pointed out by Mr. Thakur that victim/informant was examined medically immediately on 17.08.2025, where no injury was seen in and around her private parts including other parts of the body, whereas her hymen was found old torn.

8. Arguing further, Mr. Thakur submitted that if the merit of this case otherwise appears convincing in favour of petitioner, merely on the basis of criminal antecedents, ordinarily the prayer of bail should not be denied. In support of his submission, Mr. Thakur relied upon the legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari Vs. State of U.P. and Another** reported in **(2020) 11 SCC 648**.

9. Learned A.P.P. for the State opposes the prayer of anticipatory bail of the petitioner.

10. Mr. Md. Fazle Karim, learned counsel appearing



for the informant/victim, while opposing the prayer of anticipatory bail of the petitioner, submitted that allegation is specific against this petitioner as to commit rape upon the informant/victim which appears duly supported by the informant/victim through her statement recorded under section 183 of the B.N.S.S., However, he conceded that parties are neighbours and there was monetary transactions between the parents of petitioner and parents of the informant/victim, however, it was said that aforesaid transaction was not in the knowledge of the informant/victim. Mr. Karim, learned counsel further conceded that panchayati was also convened regarding the occurrence.

11. In view of the aforesaid factual submissions and by taking note of the fact as *prima facie* allegation of rape appears to be raised in the background of monetary transaction between the two families, which appears admitted through counter affidavit, where present FIR appears to be lodged after failure of panchayati as alleged, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be



enlarged on bail on furnishing of bail bond of Rs.10,000/-
(ten thousand only) with two sureties of the like amount each
to the satisfaction of learned Chief Judicial Magistrate,
Purnea/concerned court in connection with Baisi P.S. Case
No. 335 of 2025, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya
Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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