

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84410 of 2024

Arising Out of PS. Case No.-57 Year-2024 Thana- KODHOBARI District- Kishanganj

Riyajuddin Son of Abdul Rahman @ Haji Abdur Rahaman Resident of
Village - Haldaband, P.S. - Dighalbank, District - Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Musphera Khatoon Daughter of Anisur Rahman Resident of Village -
Lohagara, Kathalbari Ward No.7, P.S. - Kodhobari, District - Kishanganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Prawesh Kumar, Adv.
For the Opposite Party/s	:	Mr. Yogendra Kumar, APP
For the Informant	:	Mr. Ray Kr., Adv.

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

ORAL ORDER

3 27-02-2025 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with

Kodhobari P.S. Case No. 57 of 2024 instituted for the offences

under Sections 69, 351(2) of the B.N.S.

3. As per prosecution case, the accusation against the

petitioner is of taking away the victim girl to the forest and then

making physical relation with her on the false pretext of

marriage. On *Hulla*, the villagers came there and caught the

petitioner and handed over to the Powakhali police station.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in the present case with false and frivolous allegations and due to local politics and ulterior motive. The petitioner has not committed any offence as alleged in the F.I.R. He further submits that nothing incriminating has been recovered from the conscious/physical possession of the petitioner. He further submits that the occurrence took place on 19.07.2024 and the medical was done on 20.02.2024 but, the doctor has not found any sign of sexual intercourse and, thus, the medical report does not support the prosecution case. The petitioner has not committed any offence alleged in the F.I.R. and the petitioner has been made accused in this case only on the basis of suspicion. The petitioner has no criminal antecedent and is languishing in judicial custody since 19.10.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The victim girl in the statements recorded under Sections 180 and 183 of the B.N.S.S. has corroborated the allegations made in the F.I.R. The I.O. has submitted the charge-sheet under Sections 64, 69, 351(2) of the



B.N.S. The petitioner is named in the F.I.R. and, hence, he does not deserve bail.

6. Having heard learned counsel for the parties and considering the nature and gravity of the offence as also taking into account the statement of the victim girl recorded under Section 183 of the B.N.S.S., this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected at this stage with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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