

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81820 of 2025

Arising Out of PS. Case No.-61 Year-2023 Thana- MAHILA PS District- Khagaria

Md. Ashiqu S/O Late Md. Wajid R/O Village- Dewari, P.S- Parbatta
(Maraiya), Distt.- Khagariya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate
For the Opposite Party/s : Mr. Pushpa Sinha. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-12-2025 Heard Mr. Ranjan Kumar Jha, learned counsel for the
petitioner and the State.

2. The petitioner is in custody in connection with Mahila (Khagaria) P.S. Case No. 61 of 2023 for the offence punishable under Sections 376(D), 379 and 34 of the Indian Penal Code lodged on 08.12.2023 by the informant, Gulshan Khatoon.

3. As per the prosecution story, the informant alleged that when she had gone to attend nature's call, all the accused persons caught hold of her and Md. Rizwan committed rape. Thereafter, all the accused persons including the petitioner committed rape upon her and they also took the ornaments, whereafter, she lodged the FIR.

4. Learned counsel for the petitioner submits that he is brother-in-law of the informant, there was a land dispute which led



her to lodge the FIR and the witnesses have not supported the prosecution story which have also come in the order sheet of the learned Sessions Judge. He has further taken this Court to an order passed by the Coordinate Bench on 24.11.2025 in Cr. Misc. No. 44478 of 2025 (Md. Rizwan vs. The State of Bihar and analogous cases) to show that the lady subsequently, retracted the statement stating that it was lodged at the instance of the 'Mukhiya' of the village. He submits that the main culprit, Md. Rizwan has already been granted relief, as stated above.

5. Learned APP opposes the prayer for bail submitting that the petitioner has number of criminal cases under his belt.

6. Allegation is there and criminal cases are also there as would manifest from the paragraph-3 though the aforesaid facts is/are taken into account, is in custody since 24.06.2025, similar situate co-accused persons have been extended relief and charge-sheet already stands submitted, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM I, Khagaria in connection with Mahila (Khagaria) P.S. Case No. 61 of 2023 subject to the following conditions:

(i) one of the bailor should be the family



member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(iv) the petitioner shall in no way try to induce or promise or threaten the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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