

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87433 of 2024

Arising Out of PS. Case No.-261 Year-2024 Thana- AMAUR District- Purnia

Md. Sabbir S/O Late Afzal Resident of village- Talbari, P.S.- Amour, District-
Purnea

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Rizwana Khatoon @ Rizwana Begam W/O Sabir Resident of village-
Talbari, P.S.- Amour, District- Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Adv.

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 10-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2.The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 147, 148,
323, 324, 376, 307 of the Indian Penal Code.

3. The prosecution case as per First Information
Report is that about 10 years ago the husband of the informant
went to Delhi for job. Meanwhile the petitioner, brother-in-law
(*devar*) of the informant arrived and started keeping evil eye on
her. On 15.12.2023, in the night, while the informant was
sleeping, the petitioner arrived and on gun point committed rape
upon her. On protest, the petitioner threatened to kill her son.



Thereafter, whenever petitioner got opportunity he used to commit rape upon the informant. On 08.03.2024 when the husband of the informant arrived she disclosed about the entire occurrence and also said that she is pregnant due to rape committed by the petitioner upon her.

4.Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is also submitted that in this case the FIR was filed after four months from the alleged occurrence and there is no explanation of delay. The petitioner is ready for the DNA test. He has got no criminal antecedent. It is further submitted that the petitioner is languishing in judicial custody since 28.09.2024.

5. Learned APP appearing for the state has opposed the prayer of regular bail. During course of hearing learned counsel for the informant has submitted that the medical examination of victim was conducted and she is pregnant of 28 weeks and that he is also ready for DNA test.

6.Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on **provisional bail**. The above named petitioner is directed to be released on provisional bail



in connection with Amour P.S. Case No. 261 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Purnea with a condition that if in the DNA test it is found that the petitioner is the biological father of the baby, his bail bond shall be cancelled.

(Ashok Kumar Pandey, J)

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