

Arising Out of PS. Case No.-55 Year-2024 Thana- Bargaon District- Darbhanga

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MD. SAMIULLAH Son of Late Zahir Resident of village - Kothraon, Ward
No.- 10, Police Station - Bargaon, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem , APP

For the informant : Mr. Girish Chandra Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-01-2025 Heard learned counsel for the petitioner, informant
and the State .

2. Petitioner apprehends arrest in a case registered for the offence punishable under sections 376, 323 , 379, 504, 506 and 34 of the Indian Penal Code .

3 . As per the prosecution case , this petitioner committed rape with victim on false promise of marriage .



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case . No such occurrence has ever taken place as alleged. F.I.R is result of afterthought and has been lodged only for the purpose of implicating the entire family members of the petitioner in this case . Informant and petitioner belong to same village and same ward. In fact the informant wanted to marry her daughter to the petitioner for which she has approached his family member, but the parent of the petitioner denied for the marriage and informant has threatened to the parents of the petitioner with dire consequences of denial. It is further submitted that during course of investigation victim denied her medical examination and as such the entire prosecution case is totally false and concocted. Petitioner claims clean antecedent.

5 . Learned counsel for the State and informant opposed the prayer for bail and submitted that petitioner is named in the F.I.R., with specific allegation that he established physical relation with the informant on false promise of marriage and later denied to get marry . It is further submitted that during course of investigation witnesses have supported the prosecution case and in paragraph 6 of the case diary , the prosecutrix under Section 180 of BNSS has categorically stated



that this petitioner committed rape upon her on false promise of marriage .

6. Considering the statement of the prosecutrix under Section 180 of the BNSS and gravity of offence , prayer for pre-arrest bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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