

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1481 of 2025

Arising Out of PS. Case No.-172 Year-2024 Thana- SUPAUL District- Supaul

Md. Irshad Son of Md. Gafoor @ Abdul Gafoor Resident of Village - Malhani
Punarwas, ward no. - 09, P.O. - Supaul, P.S. - Supaul, District - Supaul, Bihar
... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarbari Khatun D/O- Moiuddin Resident of Village - Malhani Punarwas,
ward no. - 09, P.S. - Supaul, District - Supaul, Bihar
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kuldeep Kumar, Adv.
For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Supaul P.S. Case No. 172 of 2024 with registered for the offences punishable under Sections 341, 342, 323, 376, 420, 406, 504, 509, 120(B) and 34 of the Indian Penal Code.

3. The learned Senior Counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 29.06.2024 in the mid-night, the petitioner entered her room and thereafter raped her, but she managed to escape and narrated the occurrence to her family members. It is next alleged that thereafter a Panchayat was convened where the family members of the petitioner agreed for marriage of the petitioner (Md. Irshad) with the informant,

accordingly marriage was duly solemnized on 30.06.2023, but then the parents of the petitioner started procrastinating her Vidai. It is next submitted that again a Panchayat was convened on 14.01.2024 when the petitioner denied accepting the informant as his wife and also threatened to kill her, if she lodges any complaint.

4. The learned Senior Counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated in this case by the informant. It is next submitted that pleading has been made at Para-8 of the anticipatory bail application that the informant was married from before to Md. Ashik son of Md. Munna in April 2023. It is next submitted that this fact has been suppressed in the FIR, and as such, the said suppression creates doubt regarding the veracity of the allegation. It is also submitted that it does not appear probable that the petitioner would have entered the house of the informant in the night and would have committed rape and the informant in the night is itself would have informed the family members and thereafter a Panchayati would have been convened. It is next submitted that since the informant was married before, hence the question of performing the second marriage with the informant does not arise. It is also submitted that the petitioner will not abscond rather he will cooperate in the investigation to prove his innocence.

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

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Supaul P.S. Case No. 172 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that if the Investigation Officer of the case files an application before the learned Trial Court bringing to its notice that the petitioner, despite giving assurance is not cooperating in the investigation in that event the learned Trial Court shall be at liberty to cancel the bail bond of the petitioner.

(Satyavrat Verma, J.)

Jyoti Kumari/-

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