

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.1897 of 2025**

Arising Out of PS. Case No.-142 Year-2024 Thana- POTHIIYA District- Kishanganj

Hafiz Inzamamul @ Inzamamul @ Hafiz Inzamamul Haque @ Inzamamul Haque @ Hafiz Inzamam, Son of Late Md. Zehadur Rahaman @ Zahidurrahman @ Zahir Hamon, resident of village-Ganjabari P.O.- Taiyabpur P.S.- Pothia, Dist- Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arjuna Khatun, son of Late Khusru Alam, resident of village- Ganjabari, P.S.- Pothia Dist- Kishanganj

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Md Ziaul Quamar, Advocate  
For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      22-03-2025                      Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Pothia P.S. Case No.142 of 2024 registered for the offences punishable under Sections 376, 323, 341, 379, 504 and 506 read with 34 of the Indian Penal Code.

3. The accused/petitioner is named in the FIR and is in custody since 29.10.2024.

4. Allegation against the petitioner is to commit rape upon informant.

5. It is submitted by learned counsel while offering



the argument that the age of petitioner is 24 years old, whereas the victim is 35 years old. It is submitted that the statement of victim not appears sterling in nature as from FIR, it appears that she was in relation with petitioner since last two years, whereas through her statement recorded under Section 161 of the Code of Criminal Procedure (in short 'CrPC'), it appears that she was in relation with petitioner for last three years and out of her statement as recorded under Section 164 of the CrPC, it appears that she was in relation with petitioner for last four years. It is submitted that the victim becomes widow and thereafter, to get marry with this petitioner, she raised the present false allegation out of certain family disputes. It is submitted that any corporeal relation on false pretext of marriage cannot be termed as rape. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Ansaar Mohammad vs. State of Rajasthan and Ors. [2022 SCC OnLine SC 886]** as also through **Pramod Suryabhan Pawar vs. State of Maharashtra and Anr. [(2019) 9 SCC 608]**. While concluding argument, it is



submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner. However, he could not disputed the factual submissions as advanced by learned counsel appearing for the petitioner.

7. In view of aforesaid factual submission and further by taking note of contradiction as surfaced out of statement of victim herself, where *prima facie* it appears that the allegation of rape raised out of false pretext of marriage, coupled with the fact that investigation of this case is already completed, where petitioner is a man of clean antecedent and is in custody since 29.10.2024, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in connection with Pothia P.S. Case No.142 of 2024, subject to the conditions as laid down under Section 437(3) of the Code of



Criminal Procedure (for short ‘CrPC’)/under Section 480(3) of  
the Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’).

**(Chandra Shekhar Jha, J.)**

Sanjeet/-

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