

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2622 of 2026

Arising Out of PS. Case No.-44 Year-2024 Thana- MAHILA P.S. District- Kishanganj

Md Naimuddin @ Md Naimudin @ Nayeemuddin, S/O Abdul Qaiyum,
Resident of Village- Dok Pul, P.S.- Pothia, Dist.- Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jannatu Nisha W/O Abdul Basir R/O Vill.- Bahra Kolha, P.S. and Dist.- Kishanganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

2 28-01-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner apprehends his arrest in connection with Kishanganj Mahila P.S. Case No. 44 of 2024 registered for the offences under Sections 376, 406, 493 of the Indian Penal Code and cognizance has been taken under Section 376, 493 of the Indian Penal Code.

3. The allegation against the petitioner is that he has committed rape upon the informant on the pretext of false promises and had also taken some money and gold ornaments.

4. Learned counsel for the petitioner submits that he has falsely been implicated in this case and admittedly the date of occurrence was around eight months prior to the filing of the



FIR. It has further been submitted that in fact the petitioner has lend some money to the informant and when she did not return the same, the petitioner had demanded it, upon which this false and concocted case has been lodged. It has next been submitted that the police, after investigation, found the case to be false and submitted final form in favour of the petitioner, however, differing with the said final form, the learned Trial Court has taken cognizance. It has lastly been submitted that the petitioner has clean antecedent.

5. Learned APP for the State has opposed the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioner above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(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 Kishanganj Mahila P.S. Case No. 44 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of



B.N.S.S. as well as subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be his close relative.
- (ii) The petitioner shall remain physically present in Court on each date of the trial.
- (iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.
- (iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.
- (v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for anticipatory bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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