

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23354 of 2026**

Arising Out of PS. Case No.-738 Year-2025 Thana- AMARPUR District- Banka

- 
1. Md. Iliyas @ Iliyas S/o Md. Lutan Resident Of Village- Datwati, Ps- Amarpur, Dist- Banka
  2. Md. Lutan S/o Late Md. Samid Resident Of Village- Datwati, Ps- Amarpur, Dist- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. B Wife of Z R/o vill - Chichroun, P.S.- Akbarnagar, Distt.- Bhagalpur

... .. Opposite Party/s

---

**Appearance :**

For the Petitioner/s : Mr. Saurabh Raj, Advocate  
For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

---

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

3      01-07-2026                      Heard learned counsel for the petitioners and learned

APP for the State. No one appears on behalf of Opposite Party No. 2, in spite of the fact that notice has been served upon Opposite Party No. 2, who has filed his *Vakalatnama*.

2. The petitioners are apprehending arrest in connection with Amarpur P.S. Case No. 738 of 2025, dated 24.07.2025, lodged under Sections 64 & 351(2) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”) and under Section 4 of the POCSO Act.

3. As per the prosecution, the FIR has been lodged against three named accused persons, including the present petitioners, alleging that the co-accused, namely, Md. Guddu,



committed rape upon the informant's daughter.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel further submits that the petitioners are the brother and father of Md. Guddu. Counsel further submits that the only specific allegation against the present petitioners is that, when the informant visited them regarding the said incident, they abused and threatened her not to file a criminal case, otherwise they would kill her. Counsel further submits that, on the previous occasion, the case diary was called for. Counsel further submits that the criminal antecedent of petitioner No. 1 is clean. However, one criminal case is pending against petitioner No. 2. Counsel further submits that the names of the petitioners have figured in this case solely for the reason that they are the brother and father of the main accused, against whom there is a heinous allegation. Counsel also submits that the petitioners are ready to fulfill all the conditions whatsoever that may be imposed upon them.

5. Learned APP for the State, on the other hand, opposes the prayer for bail of the petitioners and submits that the case diary was called for, and from the case diary, it transpires that the police have submitted a final form in favour



of the present petitioners. So far as the co-accused against whom there is a direct allegation is concerned, he is already in custody.

6. Upon perusal of the case diary and the statement of the victim recorded under Section 183 of the BNSS, it transpires to this Court that the specific allegation is against the co-accused, namely, Md. Guddu, and against the present petitioner No. 1, there is no allegation. However, against petitioner No. 2, there is an allegation of assault.

7. From the final report, it transpires that the final form has been submitted in favour of the petitioners, and as such, there is no apprehension of arrest. However, as and when any situation arises in future giving rise to apprehension of arrest, the petitioners shall be at liberty to move an application for anticipatory bail.

8. Accordingly, the present bail application stands disposed of.

**(Dr. Anshuman, J.)**

Aman Kumar/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

