

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23423 of 2026

Arising Out of PS. Case No.-15 Year-2026 Thana- RAUTARA District- Katihar

Md. Musarif @ Md. Musaraf S/o Md. Syed @ Sayed Ali @ Said Ali Resident
of Village- Dhangama Pipra, P.S.- RanipatraMuffasil, District-Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Md. Mushtaque Alam

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 10-04-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 126(2), 115(2) and 64(1) of the B.N.S.

3. The allegation in the First Information Report is that the petitioner took away the informant forcibly on a Toto, locked her in a home and committed rape upon her.

4. Learned counsel for the petitioner submits that the present case has been filed implicating the petitioner in a totally false case as the present First Information Report has been lodged after a delay of seven days for which no explanation has been tendered and it is also surprising that no FIR was lodged by the family members of the informant in these seven days. It



is further submitted that the informant also lodged the present FIR only two days after her escaping from the place of occurrence. As a matter of fact, the petitioner had been kidnapped and had been kept captive by the members of his matrimonial family for which an FIR had been lodged by his brother (Annexure-P/3) and only in retaliation of the same, a false person has been stage-managed to implicate the present petitioner. There is no mark of injury found on the body of the victim as would be evident from the medical report (Annexure-P/2). Further, a compromise petition has also been filed before the Court concerned (Annexure-P/4) and the bail rejection order also indicates that the informant had herself appeared before the Court to state that the petitioner was not involved in the occurrence.

5. Learned APP for the State opposed the prayer for anticipatory bail on the basis of allegations made in the First Information Report.

6. Taking into consideration the facts and circumstances and considering the fact that the informant herself has appeared in the Court stating about non-involvement of the petitioner, coupled with the factum of delay and absence of any medical evidence, let the above named petitioner, be released on



bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond 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 Rautara P.S. Case No. 15 of 2026, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

(Soni Shrivastava, J)

anand/-

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