

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25451 of 2026

Arising Out of PS. Case No.-1 Year-2026 Thana- MANIYARI District- Muzaffarpur

Md. Fukran, S/o Md. Afroj, R/o Sonvarsh Sah, P.S.- Maniyari, Dist.-
Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ram Jiban Pd Singh, Adv.
For the Opposite Party : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 16-07-2026 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Maniyari P.S. Case No.01 of 2026 registered under Sections 69, 76, 115(1), 127(2), 324(4), 351(2) and 3(5) of Bharatiya Nyaya Sanhita, 2023 (in short 'BNS').

3. The allegation against the petitioner is to commit rape upon informant aged about more than 18 years since last five years, prior to lodging FIR, on false pretext of marriage and also cheated Rs. 2 lakh from her parents. It is



also alleged that the family members of the petitioners confined her in a room and made an attempt to kill her and also outraged her modesty.

4. It is submitted by learned counsel for the petitioner that the FIR discloses the allegation into two parts. In the first part, the allegation of rape for continuous five years and also blackmailing appears specifically available against petitioner, whereas in the second part, it is alleged that the family members of petitioner, namely, Md. Afroj, Malka, Asfak and Md. Belal taken away this informant to their home and made an attempt to kill her by tying with *dupta* around her neck and also made a nude video of the informant. It is submitted that in second part of occurrence, the petitioner was not admittedly involved as same can be gathered safely from the facial perusal of the FIR itself.

5. Arguing further it is submitted that during investigations, the statement of victim was recorded under Section 183 of BNSS, where she categorically denied the allegation of rape and also of blackmailing rather she stated that she was in relationship with this petitioner since last five



years and out of promise of marriage, she established corporeal relationship with petitioner. She is adamant to solemnize her marriage with this petitioner. It is also submitted that the informant refused to join medical examination and, therefore, in want of same, no corroborating material appears available *qua* committing rape or establishing physical relationship. Petitioner claimed clean antecedent.

6. Learned APP opposed the prayer of bail.

7. In view of aforesaid factual submissions and by taking note of contradictions *qua* allegation as per FIR and statement of victim recorded under Section 183 of the BNSS and coupled with the fact that informant/victim appears adamant to solemnize *Nikah* with this petitioner in terms of her statement as recorded under Section 183 of BNSS *prima facie* creates a doubt that physical relationship was established by deceitful means, accordingly, the above-named petitioner, who is a man of clean antecedent, is directed to be released on bail, in the event of his arrest or surrender in the court below within a period of four weeks,



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 ACJM -8, West Muzaffarpur, in connection with Maniyari P.S. Case No.01 of 2026, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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