

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28348 of 2026

Arising Out of PS. Case No.-117 Year-2020 Thana- BAHADURPUR District- Darbhanga

Md. Irshad Son of Md. Wakeel Resident of Village - Ashgawn, P.O.- Milki,
P.S.- Bahadurpur, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Nath Jha, Adv.

For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 05-05-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Bahadurpur P.S. Case No. 117 of 2020 registered for the offence punishable under Sections 366, 379, 376, 323 and 504 of the Indian Penal Code.

3. The case of the prosecution, in short, is that the petitioner has subjected the prosecutrix to sexual intercourse and after living with her for a long time, has abandoned her.

4. Learned counsel for the petitioner has submitted that the accusation is absolutely false in as much as no details has been provided by the prosecutrix regarding the compulsion under which she went to Punjab along with the petitioner to stay with him as his wife.



5. Apart from this, it has been submitted that in her statement under Section 164 of the Cr.P.C., in which she gave after lot of delay, she has referred to the petitioner as her brother-in-law. Surprisingly, in the complaint petition, which has given rise to the subject FIR, the petitioner is referred to as a villager.

6. Learned counsel for the petitioner has also pointed out that without observing the formalities, an order for institution of a regular case has been directed by the learned Magistrate under Section 156(3) of the Cr.P.C. Learned counsel further submits that admitting that the petitioner lives with the prosecutrix for sometime in Punjab and subjected her to sexual intercourse, which was only consensual and not by force. Had it not been the case, the prosecutrix would not have continued to stay at Punjab and after such a long time would not have come back to her village home and filed a case at Darbhanga. For all practical purposes, it has been urged that the accusation appears to be malafide and actuated by ulterior motives.

7. Learned counsel for the petitioner has further submitted that in this case, parties have compromised the case with the intervention of well-wishers. Moreover, a statement has been made in para 3 of the petition that petitioner has no



criminal antecedent and he is languishing in judicial custody since 08.03.2026.

8. The application for bail is opposed by learned APP for the State.

9. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Darbhanga in connection with Bahadurpur P.S. Case No. 117 of 2020, T.R. No. 1873 of 2024.

(Ashok Kumar Pandey, J)

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