

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37005 of 2026

Arising Out of PS. Case No.-104 Year-2026 Thana- BAHERA District- Darbhanga

Md. Gaus Alam @ Gaus Alam S/O Md. Ali Musa R/O Vill - Pohaddi, P.S-
Bahera, Dist-Darbhang.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tauhid Alam Son of Late Md. Mustakim Village - Pohaddi, P.S.- Bahera,
Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Girish Chandra Jha, Advocate
For the Opposite Party/s	:	Mr. Raj Ballabh Singh, APP
For the Informant	:	Mr. Nafisuzzoha, Advocate
		Mr. Nasar Iqbal, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 27-07-2026 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and the learned counsel appearing on behalf
of the informant.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 64(1),
351(2), 352 and 3(5) of the BNS, 2023.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and in sum and
substance the informant alleges that on pretext of marriage, the
petitioner established physical relation with the victim.
4. Learned counsel for the petitioner submits that FIR
has been instituted by the father of the victim. It is next



submitted that victim and petitioner are major and were in love and the relationship was purely consensual without any promise of marriage. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the relationship in between the petitioner and the victim was continuing for the last more than two years. It is also submitted that though it is alleged that victim became pregnant and she was forcefully administered medicine causing abortion, but then the said allegation has been alleged only to give seriousness to the case. It is also submitted that whenever a consenting relationship sours, a false case is instituted. It is next submitted that if privilege of anticipatory bail is granted, the petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. for the State as well as the learned counsel appearing on behalf of the informant opposes the anticipatory bail application of the petitioner, but then the learned counsel appearing on behalf of the informant is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that petitioner and the victim are major and the relationship was consensual.

6. Considering the submissions made by the learned



counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bahera P.S. Case No. 104 of 2026 subject to the conditions as laid down under Section 482 (2) of BNSS.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

8. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

9. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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