IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63851 of 2026

CNR No. BRHC010916982026

Arising Out of PS. Case No.-79 Year-2024 Thana- MAHILA PS District- Darbhanga

==========

Afroz Ali Nadaf S/O Md. Haidar Resident of Village- Belhi, Police Station- Sadar, District- Darbhanga

... ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr,Ravindra Kumar, APP

==========

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 20-11-2026 1. Heard learned counsel for the petitioner and learned A.P.P. for the State Mr. Ravindra Kumar as well as learned counsel appearing on behalf of the informant.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 64, 115(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is in custody since 06.01.2026 and had earlier moved this Court seeking regular bail by filing Criminal Misc. No. 10302 of 2026 and the same came to be rejected by an order dated 04.05.2026 on the ground that trial has commenced and out of seven prosecution

WEB COPY

witnesses, six prosecution witnesses have been examined, further the learned Trial Court was directed to ensure that the trial is concluded within a period of one month from the date of production/receipt of a copy of the order dated 04.05.2026 in Criminal Misc. No. 10302 of 2026.

4. Learned counsel appearing on behalf of the petitioner submits that informant with an intent to coerce the petitioner into submission and also to ensure that petitioner remains in custody filed an application under Section 358 of the BNSS dated 23.06.2026 alleging therein that Md. Haidar Nadaf, Md. Firoz Nadaf Farzana Khatoon and Momima Khatoon had also assaulted her and her mother while this petitioner had raped her, but then the Investigating Officer in collusion with the accused person did not mention the name of the accused in the final form and only Afroz i.e. petitioner was sent up. Accordingly, a prayer was made to summon the aforesaid four accused persons for facing the trial. It is next submitted that the learned Trial Court by an order dated 01.08.2026 allowed the application of the informant for summoning the aforesaid four accused persons. It is next submitted that Para-5 of the order dated 01.08.2026 records – (5) statement of the accused under Section 351 of the BNSS was recorded on 14.05.2026, (6) the

WEB COPY

defence produced as many as eight witnesses by 28.05.2026, (7) the defence concluded the argument by 11.06.2026, thereafter the prosecution completed its argument by 20.06.2026 and the case was fixed for reply by defence, (8) on the day 23.06.2026, the defence reply was heard and the case was all set to fix for judgment, meantime this petition was filed by the informant.

5. Learned counsel for the petitioner next submits that the trial had nearly concluded, but then informant with an intent to delay the trial filed the application dated 23.06.2026 for summoning the aforesaid four accused persons. It is next submitted that this Court by an order dated 04.05.2026 in Criminal Misc. No. 10302 of 2026 had directed the learned Trial Court to ensure that the trial is concluded within a period of one month for reasons stated in the order and when the learned Trial Court was on verge of concluding the trial, the said application came to be filed by the informant with an intent to linger the trial.

6. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant vehemently opposes the prayer for bail of the petitioner, but then learned counsel appearing on behalf of the

WEB COPY

petitioner that the trial was on verge of conclusion when the application dated 23.06.2026 was filed by the informant under Section 358 of the BNSS for summoning the aforesaid four accused persons.

7. At this stage, learned counsel appearing on behalf of the informant submits that if privilege of regular bail is granted, the petitioner may abscond, on which learned counsel appearing on behalf of the petitioner submits that if privilege of regular bail is granted, the petitioner will not abscond rather will cooperate in the trial to prove his innocence.

8. After hearing the learned counsel for the parties and taking into consideration the submissions made by the learned counsel appearing on behalf of the petitioner, let the petitioner above named be released on bail 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 trial court where the case is pending/successor court in connection with Mahila P.S. Case No. 79 of 2024.

9. However, it is made clear that if the learned trial court comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

WEB COPY

10. **Accordingly, the instant regular bail application stands allowed.**

(Satyavrat Verma, J)

Nitesh/-

U		T	

WEB COPY