

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66736 of 2025

Arising Out of PS. Case No.-170 Year-2025 Thana- BALIYA District- Begusarai

Md. Gulsad Hussain @ Md. Gulsad S/o Md. Gulzar Hussain @ Md. Gulzar
R/o Village - Lakhminiya, Ward No.- 19, PS - Balia, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.

Ms. Isha Mishra, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 21-01-2026 Heard the learned Advocate for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Ballia P.S. Case No. 170 of 2025, registered for the offences punishable under Sections 329(4), 64(1), 351(2) and 352 of the B.N.S., 2023.

3. Allegedly in the night of 03.05.2025, the petitioner along with unknown persons entered into the house of the informant and committed wrongful act over his daughter, aged about nineteen years. When the informant came to know about the said occurrence, then the victim girl threatened that if the incident would be brought to the knowledge of others, the accused persons might have kill her father and brother. It is also alleged that the petitioner has also promised for marriage.



4. Learned Advocate for the petitioner taking this Court through the FIR primarily contended that the alleged occurrence took place on 03.05.2025, but the present FIR came to be instituted after delay of fifteen days, without there being any proper explanation for the same. In fact, the petitioner had a good term with the victim girl and taking benefit of the same, the informant and others were pressurizing him to solemnize marriage and when the petitioner refused to do so, the present FIR came to be instituted. The mother of the petitioner along with other villagers have also filed several petitions before all the authorities concerned, including the SDPO, Superintendent of Police as well as DIG, Begusarai to investigate the matter properly and give a clean chit to the petitioner. The statement of the victim has also been recorded under Section 183 BNSS, wherein she has stated that both the petitioner and the victim were in talking term and they were living as a husband and wife, however, it is the family members of the petitioner, who are making hindrances in solemnization of marriage. The petitioner is a man of fair antecedent and undertakes that he will fully co-operate in the proceeding of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the



victim was subjected to sexual exploitation on the pretext of marriage and later on, the petitioner refused to perform the marriage and, as such, his complicity cannot be denied.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the delay in institution of the FIR as well as statement of the victim, wherein she has disclosed about the consensual relationship, beside she being a major, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Begusarai in connection with Ballia P.S. Case No. 170 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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