IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69817 of 2026

CNR No. BRHC010971362026

Arising Out of PS. Case No.-10 Year-2026 Thana- PARSABAZAR District- Patna

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Md Shaif @ Saiful Islam @ Shaiful Islam @ Shinu S/o Md. Mobin Resident of Village- Ebadullah Chak, P.S- Parsa Bazar, District- Patna.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv.
Mr. Md Ataul Haque, Adv.
Mr. Madhav Kumar, Adv.
Mr. Eqbal Masyha, Adv.
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP
For the Informant : Mr. Shivnandan Bharti, Adv.
Mr. Pintu Kumar, Adv.
Ms. Neha Kumari Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 25-11-2026 1. Heard learned senior counsel for the petitioner Mr. Krishna Prasad Singh, learned APP for the State and the learned counsel appearing on behalf of the informant Mr. Shivnandan Bharti.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 191(2), 190, 115(2), 109, 64, 85, 123 and 61(2) of the B.N.S.

3. The learned senior counsel submits that the petitioner is a person with clean antecedent and the informant alleges that she was married on 23.03.2018 with Safkat Parwej and even after six years of marriage, the informant could not conceive, hence her mother-in-law started pressurizing her

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husband to perform second marriage but her husband was not ready, hence her mother-in-law in connivance with a Maulana gave her toxic water on account to which she lost consciousness and her brother-in-law (petitioner) raped her in an unconscious state and disclosed that she had been raped on the instruction of Maulana, so that she becomes pregnant, further Akib tried to strangulate her but her father-in-law saved her.

4. The learned senior counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant on account of dispute with her husband. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that informant alleges that even after six years of marriage, she could not conceive, as such, she was being threatened by her mother-in-law that her husband would perform second marriage, which amply demonstrates that it was informant who was not in a position to conceive. It is next submitted that why a mother on the instruction of a Maulana would ask her own son i.e. petitioner to rape her with an intent to make the informant pregnant. It is submitted that it is not the case of the informant in the FIR that her husband was not capable of procreating. It is also submitted that from perusal of the injury report, it would manifest that the

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same does not corroborate the allegation of rape nor any mark of injury/violence was found over the body of the informant. It is next submitted that mother-in-law (Hamida Bano) of the informant had approached this court seeking anticipatory bail by filing Cr. Misc. No.39474 of 2026 and the same came to be allowed by an order dated 25.06.2026.

5. Learned A.P.P. as well as the learned counsel appearing on behalf of the informant opposes the anticipatory bail application.

6. Learned counsel appearing on behalf of the informant submits that from perusal of the FIR, it would manifest that the father-in-law has not been made an accused as he was supporting the cause of the informant but then specific allegation of rape is alleged against the petitioner but then is not in a position to rebut the submissions of the learned senior counsel appearing on behalf of the petitioner that it is not the case of the informant that her husband was incapable of procreating and that medical evidence does not corroborate the allegation of rape.

7. After hearing the learned counsel for the parties and taking into consideration the submissions made by the learned senior counsel for the petitioner, the petitioner, above-named, in

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the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on anticipatory bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court in connection with Parsa Bazar P. S. Case No. 10 of 2026, subject to the conditions laid down under Section 482(2) of the BNSS.

(Satyavrat Verma, J)

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