

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4101 of 2025**

**In**  
**CRIMINAL MISCELLANEOUS No.40124 of 2025**

Arising Out of PS. Case No.-163 Year-2025 Thana- BAHADURGANJ District- Kishanganj

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1. Aslam S/O Muslim Resident of Satal Istamrar, PS- Bahadurganj, District- Kishanganj
  2. Rabbani S/O Md. Rajiv Sah @ Rajeeb Resident of Village- Paktola, Palasmani, P.S.- Bahadurganj, District- Kishanganj
- ... .. Appellant/s

Versus

1. The State of Bihar
  2. [REDACTED] R/O Vill.- Pecktola, Palsamni, P.S. and P.O.- Bahadurganj, Dist.- Kishanganj.
- ... .. Respondent/s

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**Appearance :**

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| For the Appellant/s      | : | Mr. Hafiz Shahbaz Arif, Advocate<br>Mr. Abdul Mannan Khan, Advocate |
| For the Respondent/s     | : | Mr. Mukesh Kumar Singh, Spl.P.P.                                    |
| For the Respondent No.2: | : | Mr. Sarvottam Kumar, Advocate                                       |

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**CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY**  
**ORAL ORDER**

9      18-06-2026                      Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the respondent no. 2.

2. The instant appeal has been filed by the appellants against the order dated 06.05.2025 passed by learned Additional Sessions Judge-1st, Kishanganj whereby the prayer for bail of the appellant in connection with Bahadurganj P.S. Case no. 163 of 2025 under Sections 64(1), 76, 127(2), 351(3) and 3(5) of BNS was rejected.

3. The case of the respondent is that on 29.03.2025 while the respondent was alone at her home, the appellants along



with one Anwar took her to the house of Anwar. The appellants disrobed her on knife point and after that, one Anwar Alam has committed rape with her. It is further alleged that they have also made video which has been shared with the members of the society. It is further alleged that the appellants have threatened the respondent of dire consequences.

4. It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case. Learned counsel for the appellants have submitted that during course of investigation, the victim has given her statement under Section 183 of BNSS wherein she has stated that she was in relationship with Anwar but she was not knowing that he was also making video of the act, though they are living as husband and wife but Anwar was not her husband. Her husband was somebody else. The appellants have seen the mobile of Anwar and have shared the video to the husband of the respondent and on this, the husband of the respondent forced her to file this case. Learned counsel has submitted that from the statement of the victim under Section 183 of BNSS, it is clear that the only allegation against these appellants is that they have seen the video and have shared the same to the husband of the respondent. A statement has been made in para-3 of this petition that the appellants have got no criminal antecedent. Learned counsel has also submitted that



there is no allegation against the appellants of humiliating the respondent with caste name. Moreover, they are languishing in judicial custody since 02.04.2025.

5. The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the respondent.

6. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of this case, the Court is inclined to allow the appeal. Accordingly, the appeal is allowed and the impugned order dated 06.05.2025 is hereby set aside.

7. The appellants are directed to be enlarged on bail in connection with Bahadurganj P.S. Case No. 163 of 2025 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) on each of them with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj.

8. A show cause has been sent by learned trial court and the same has been accepted this Hon'ble Court.

**(Ashok Kumar Pandey, J)**

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