

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79187 of 2025

Arising Out of PS. Case No.-236 Year-2025 Thana- BAISI District- Purnia

Md. Mofez @ Mufen Alam Son of Imtiyaz Alam @ Imtiyaz Residents of
Village- Simaliya PS -Baisi District- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sawagi Khatoon D/o- Kalu, Ro- Diha, Ward No-6, P.S. Baisi, Dist-Purnia

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Advocate
For the Opposite Party/s : Mr.Km. Shashi Bala Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 23-03-2026 Heard Mr.Md Fazle Karim, learned counsel for the

petitioner, learned counsel for the informant and Mr.Km. Shashi
Bala Verma, learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail, who is in custody since
09.08.2025 in connection with Baisi P.S. Case No. 236 of 2025,
F.I.R. dated 18.06.2025 registered for the offence punishable
under Sections 64(1),127(1),76,352,351 and 3(5) of BNS.

3. The prosecution case, in short, is that the victim
XXX has got an FIR lodged on 18.6.2025 alleging therein that
on 14.06.2025 at about 02:00 PM, the petitioner Mofez called
her outside her house and when she went outside her house, the
petitioner committed rape upon her by taking her in bamboo
bush and also threatened her not to disclose the matter to anyone



but she told the matter to her parents and her parents contacted with the family of the petitioner who agreed to solemnise marriage in between her and the petitioner but on 17.06.2025 when she went outside her house at hand-pipe, the co-accused Israil Alam and Aftab caught hold her and the petitioner pressed her mouth with his hand and the co-accused took her towards bamboo bush and they all said to her that they will commit rape upon her and also kill her and thereafter, her family members came efficiently and rescued her and hence the FIR.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. In fact the petitioner was in love with the victim girl and the petitioner has performed the marriage(Nikah) with the victim on 27.06.2025 in presence of the family members of both the parties and the petitioner is in custody since 09.08.2025.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has performed the marriage with the victim on 27.06.2025 and they are living as husband and wife in the house



of the petitioner.

6. Considering the aforesaid facts and petitioner has performed the marriage with the victim, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Purnea in connection with Baisi P.S. Case No. 236 of 2025, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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