

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83769 of 2025

Arising Out of PS. Case No.-368 Year-2025 Thana- BAHADURGANJ District- Kishanganj

Arbaj Alam S/o Jubair Alam @ Md. Juber Alam Resident of Village-
Deramari, Ward No. 4, P.S.- Kochdhaman, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 11-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Bahadurganj P.S. Case No. 368 of 2025 registered for the alleged offences under Sections 64(1), 115(2), 351(2) of the Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, the petitioner giving allurement of marriage to the daughter of the informant, but without marrying her, started making physical relationship with her. Thereafter, the petitioner started blackmailing her and tried to kidnap her.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR, it is apparent that the petitioner and the daughter of the informant were on talking terms and they established



consensual relationship. They were caught by the villagers and for this reason, the present case has been lodged. The victim girl refused to undergo medical examination. Learned counsel further submits that the witnesses examined during investigation has also stated that the daughter of the informant had been going with the petitioner on his motorcycle and they caught hold of them. It shows the voluntary nature of act of the petitioner. The statement of the victim girl was recorded under Section 183 of BNSS, but she did not make any statement about the petitioner making physical relationship with her, though she has stated about the petitioner having a photograph of the victim on his mobile phone. Therefore, there is no iota of evidence to corroborate the allegation of commission of rape. Learned counsel further submits that the petitioner is aged about 18 years and he has got clean antecedent. The petitioner is in custody since 23.08.2025 and charge-sheet has been submitted.

05. Learned APP for the State opposes the submission made on behalf of the petitioner. Learned APP submits that there is specific allegation against the petitioner that he committed rape with the daughter of the informant.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of allegation and also considering the somewhat



consensual relationship of the parties and further considering the age of the petitioner and his clean antecedent and also considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj/court concerned in connection with Bahadurganj P.S. Case No. 368 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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