

IN THE HIGH COURT OF JHARKHAND AT RANCHI**Cr. Appeal (S.J) No. 506 of 2025**

Ibrar @ Md. Firoj @ Mithun Kumar, Aged about 31 years, S/o Md. Israil, R/o Mahadeoganj, P.O-Mahadeoganj, P.S-Sahibganj(M), District-Sahibganj (Jharkhand) Appellant

Versus

1.The State of Jharkhand

2. Victim

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Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant : Mr. Sudhanshu Shekhar Choudhary, Adv.

For the State : Mr. Arup Kumar Dey, APP

05/Dated:25th November, 2025

This Criminal Appeal has been filed on behalf of the appellant under section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 for grant of regular bail by challenging the order dated 09.04.2025 passed by Sri Dheeraj Kumar, learned Special Judge (SC/ST) Court) Sahibganj in B.P. No.53 of 2025, arising out of Sahibganj (T) P.S. Case No.18 of 2025, instituted under Section 87/69 and Section 319(2)/318(4)/87/69 of the BNS and under section 3(1) (w) of the SC/ST (Prevention of Atrocities Act), by which the prayer for regular bail of the appellant has been rejected.

2. It has been alleged in the F.I.R that while the informant Victim girl had gone to the house of her Aunt at Nahargaon, Diggi Katihar, Katihar where one person namely Mithun Kumar came and told her aunt that he is Hindu by religion and an employee of defence and he is in search of bride for his marriage. Thus, her aunt had given mobile number of the informant to him and thereafter he started video calling call to her and assured to marry her and upon which, her family members also agreed. It is further stated that on 02.02.2025 when her family members, villagers and some police officers of

P.S. Mufassil came to her house and inquired about the residence, Aadhar Card, Duty of Mithun (the present accused appellant) then he replied that all the information are saved in his mobile and his mobile has broken and once the repairing work of the said mobile is done, he will produce all the document to them and after taking the informant/victim and the Aunt in confidence, on 03.02.2025 at about 05:00 am. she left her house with him and reached Manihari Ganga Ghat where Mithun wore his dress and then they reached Sahibganj and where he took her to Sahibganj Railway Station and from where they arrived at Hotel Aakash Ganga in the evening and checked-in one room claiming himself to be a defence personnel. It is further alleged therein that in the preceding night between 03.02.2025 to 04.02.2025 the accused Mithun many times established physical relationship with her on the false promise of marriage and during the stay in hotel, whenever he goes outside of the room, he returns after a long time and during this period, she talked to her brother by stealing the mobile phone of accused and during their stay in hotel, whenever she goes to bathroom, the accused used to telephonically talk to someone and on her arrival, he disconnected the call. Furthermore, on 05.02.2025 suddenly some female and male persons came there and started quarreling with them, out of whom, one female claimed herself to be wife of Mithun and thereafter she got to know that Mithun Kumar is Muslim and his real identity is Md. Ibrar @ Md. Firoj, S/o Md. Md. Israel, R/o Mahadeoganj, P.S.-Mufassil, District-Sahibganj and all the persons ousted both of them. Thereafter the matter was informed to the police.

3. Heard learned counsel for the appellant and learned APP for the State.

4. Learned counsel for the appellant submitted that the appellant is innocent and has been falsely implicated in this case. It is submitted that both the informant and the appellant are major one and physical relationship was established with the mutual consent of both sides. It is submitted that the informant herself went with the appellant to the hotel room to stay with him and when they got caught, the informant with the intent to harass the appellant lodged this false case. It is submitted that the allegation as levelled is merely a brainchild of the Victim and she had come with this appellant voluntarily, however, when she was caught this story as alleged in the FIR has been developed. It is submitted that from the FIR it is clear that the Victim had gone with this appellant voluntarily. It is submitted that learned Court has not appreciated that the story narrated by the victim does not inspire any confidence because as per the allegation levelled, on the very first day when this appellant met the Bua of Victim she gave the appellant her contact number, which is highly improbable. It is submitted that the appellant is respectful person and the appellant can neither abscond nor tamper with the evidence. It is submitted that the appellant is languishing in judicial custody since 06.02.2025 and hence the appellant may be enlarged on bail.

5. On the other hand, learned APP has opposed the prayer for bail. It is submitted that there is direct allegation against the appellant for committing rape upon the Victim girl-Informant in the garb of marriage and for concealing his real identity. It is submitted that the appellant is by religion Muslim and is a married person and father of two children but he introduced himself to the informant as well as her mother and her Fua to be Hindu in the name of Mithun Kumar instead of Ibrar @ Md. Firoj and he induced the informant to marry her and he disclosed

himself as an Army personnel. It is submitted that the informant in his statement at para-2 and 3 has supported her case and the other witnesses namely, Krishna Kumar Rajbanshi, Shailendra Rajbanshi, Nikhat Parween, Israel and Ijamul Alam at para-20, 21, 22, 23 and 24 have supported the prosecution case against the appellant and hence the prayer for bail of the appellant may be rejected.

6. Perused the FIR, case diary and considered the submission of both the sides.

7. It reveals from the FIR that the appellant Ibrar @ Md. Firoj (who is a Muslim) has introduced himself as Mithun Kumar as Hindu and also as an orphan and working in Army to the aunt of the informant and has induced the informant to marry with her. Even the appellant took her to a hotel at Sahibganj on 03.02.2025 and the appellant wore Army dress. They came to hotel Akashganga and took a room by disclosing himself as a Army personnel and has established physical relationship several times with the informant Victim lady in the night of 03.02.2025 and in the night of 04.02.2025. However, on 05.02.2025 in the morning, a female and one male had arrived and started raising alarm and the female disclosed herself as a wife of Mithun and then the informant learnt that Mithun Kumar is a Muslim and his real name is Ibrar @ Md. Firoj and he is a married person and also father of two children but had established physical relationship with her in the pretext of marriage by disclosing himself as a Hindu instead of Muslim.

8. It appears from the statement of the Victim girl recorded on 06.02.2025 under section 183 of BNSS that she has fully supported her case and the appellant had disclosed himself as a Hindu and took her to a hotel at Sahibganj and has established physical relationship for two days and he falsely declared before

her that he works in the Army. Later on, she learnt that appellant is a married person and used to talk with his muslim wife alone and even the appellant has wore Army dress in the hotel and had demanded Rs.4,00,000/ (Rs.Four Lakhs) as dowry for marrying with her.

9. It appears from the subsequent statement of the informant recorded at para-2 and 3 that she has fully supported her case as made out in the F.I.R.

10. It further appears from Para-8 of the case diary that place of occurrence is hotel Akashganga at Sahibganj. Para-10 is the production-cum-seizure list, which shows seizure of one fake Identity Card of C.R.P.F in the name of appellant and para-11 is the recording of E-evidence of the proceeding of Production-cum-seizure list and certificate issued under Section 63(4)(C) of B.N.S. Para-12 is also the fake Identity Card of the appellant of C.R.P.F with photograph provided by the Hotel Owner namely, Uttam Kumar which was given by the appellant for taking room in the hotel Akashganga. Para-15 is the seizure list of pant, shirt and shoes wore by the Police and Para Military personnel from the possession of the appellant- Ibrar @ Md. Firoj. Para-20 and 21 are the statement of witnesses Krishna Kumar Rajbanshi and Shailendra Rajbanshi, who are the father and neighbour of the informant and they have also supported the prosecution case and they stated that Mithun Kumar @ Ibrar @ Md. Firoj had disclosed himself as Mithun Kumar and for working in C.R.P.F and had stated his caste as '*Rajbanshi*' and he had arrived at the house on 02.02.2025 by wearing Military dress. Thereafter they learnt that appellant induced the Victim girl for marrying with her and took her at hotel Akashganga at Sahibganj from the Katihar town and established physical relationship several times

on 03.02.2025 and 04.02.2025 in the night although appellant was a married person and father of two children.

11. Para-22, 23 and 24 are the statement of witnesses namely, Nikhat Parween, Israiel and Ijamul Alam who are the wife, father and Mama Sasur of the appellant.

12. It reveals that appellant has married with Nikhat Parween and has got two children from her and on being suspicious of the conduct of the appellant they had arrived in hotel at Sahibganj and learnt that the appellant has induced the informant Victim girl in the garb of marriage and job and the shirt, pant and shoes of C.R.P.F were recovered from the possession of the appellant.

13. It also appears from the statement made during investigation that appellant is not working in C.R.P.F and has prepared forged identity of C.R.P.F which reveals from para-31 of the case diary. Para-36 is the statement of Uttam Kumar-owner of hotel Akashganga and has stated that on 03.02.2025 Md. Firoj came with the Victim girl at his hotel Akashganga by introducing himself as C.R.P.F personnel and disclosed his identity as the Government Servant and hence, he had given Room No.204 to them and where they stayed on 03.02.2025 and 04.02.2025. However, on 05.02.2025 one female, one woman with relatives arrives at hotel and started enquiring about her husband Md. Firoj and then he learnt that appellant Md. Firoj is married from earlier and has brought another girl i.e. informant in the hotel on the pretext of marrying with her.

14. Para-38 and 39 are the statement of one Rishi Sao and Asghar Ansari who work in the tea shop at hotel Green and they have supported the prosecution case and the case of the informant.

15. Para-60, 61 and 62 are the statement of brother and mother and sister (name not disclosed) and they have also supported the prosecution case.

16. It is evident that the informant Victim girl is a resident of Katihar town in the State of Bihar and the appellant took her from Katihar town to Sahibganj on the pretext of marriage.

17. This is one of those heinous offences which has been committed by the appellant because the appellant has introduced himself as Army personnel to the Aunt as well as the informant-Victim girl by disclosing himself as a Hindu instead of Muslim and orphan whereas the informant was a Hindu and working as Nurse in Katihar.

18. The appellant appears to be a member of gang who indulged into illegal activities by inducing innocent Hindu girls by presenting himself as a Hindu boy although he is by religion Muslim and his actual name is Ibrar @ Md. Firoj. The action of the appellant is intentional and deliberate act to trap the Hindu girls by introducing himself a Hindu boy instead of Muslim. The conduct of the appellant also shows that he is involved in Anti-National activities as he is keeping forged Identity card of C.R.P.F and dress.

19. Considering the seriousness of the offence and the act of the appellant, the prayer for bail of the appellant is rejected.

20. However, the learned Trial Court is directed to take suitable steps for examination of witnesses and the Deputy Commissioner, Sahibganj and Superintendent of Police, Sahibganj are directed to take effective steps for production of the witnesses during the trial and they shall give full protection to the informant and her family members for giving evidence during pendency of the trial.

21. Thus, this Cr. Appeal (SJ) No.506 of 2025 is dismissed.

22. Let a copy of this order be sent by FAX to the Director General of Police, Government of Jharkhand, the Deputy Commissioner, Sahibganj and the Superintendent of Police, Sahibganj and also to the Victim girl.

23. The Deputy Commissioner, Sahibganj and the Superintendent of Police, Sahibganj are further directed to keep vigilant upon the appellant and his family members also.

(Sanjay Prasad, J.)

Dated: 25.11.2025
Saket/-