

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52539 of 2015

Arising Out of PS.Case No. -47 Year- 2014 Thana -MAHILA P.S. District- PATNA

1. Md. Meraj Ali Johar Ansari Son of Md. Noman Ansari, Resident of New Sir Sayyad Colony, Lane No. 1, P.S. - Mithanpura, District - Muzuffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Shailendra Kumar 1 (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 14-12-2015 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Mahila P.S.Case No. 47/2014 registered for offences punishable under Sections 376 and 420 of the Indian Penal Code.

The prosecution case is that the petitioner allegedly was in touch with the informant through phone calls. As per the informant, the petitioner pretended to be in love with her and in furtherance thereof, entered into physical relationship with her. Allegedly, on 22.12.2014, the petitioner asked the informant to convert her religion and marry him to which the informant revolted and later on informed her parents about the same. At one occasion, the petitioner took the informant to a room situated at

Kankarbagh and entered into a physical relationship with her. Her mark sheet, voter ID and a few passport photographs are allegedly with the petitioner along with some obscene pictures and videos of the informant.

It has been submitted by the learned counsel for the petitioner that the petitioner is a student of 3rd year in Engineering College, Chandigarh and the allegation upon him is false, as there was a love affair between the petitioner and the informant, which did not culminate in marriage and that is why the false allegation has been levelled against him.

It has further been submitted that the deposition of the victim under Section 164 as per para-34 of the case diary also specifies that the petitioner and the informant were on talking terms and the victim has voluntarily gone to the house of the petitioner. It has further been submitted that the petitioner has a clean antecedent as is evident from para-3 of this petition.

Be that as it may, let the above named petitioner in the event of his arrest or surrender before the Court below within a period of six weeks from today be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in Mahila P.S.Case No. 47 of 2014 , subject to

the conditions laid down under Section 438 (2)Cr. P. C.

However, it is made clear that if the petitioner is involved in similar nature of offence in future, as the present one, the learned Court below will be liberty to cancel the bail bonds of the petitioner without being prejudiced with this order.

(Nilu Agrawal, J)

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