

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51677 of 2018

Arising Out of PS. Case No.-26 Year-2018 Thana- MAHILA P.S. District- Siwan

Rizwan Ahmed @ Imran Ansari, S/o Saifullah Ansari, resident of Village-Baghauna, P.S. Hussainganj, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 20-09-2018

Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends arrest in connection with Siwan Mahila P.S. Case No. 26 of 2018 dated 04.05.2018 instituted under Sections 376, 420, 504 and 506 of the Indian Penal Code.

3. The allegation against the petitioner is of making false promise to the informant and also having physical relationship on the pretext of marriage and further of having taken Rs. 30,000/-, but later on, refusing to marry her.

4. Learned counsel for the petitioner submitted that at best it is a case of consent and the story in the FIR has been further built up in the statement recorded under Section 164 of the Code of Criminal Procedure, 1973. It was submitted that in



the FIR, the allegation is of occasional physical relationship and the petitioner having taken Rs. 30,000/- but in the statement before the court, it has been developed that she also became pregnant and she was made to abort and that she gave the petitioner Rs. 75,000/- to 80,000/-. It was further submitted that the question of giving assurance of marriage is patently false for the reason that the parties did not belong to same religion and as such the petitioner could not give assurance of marriage and even the informant could not accept such assurance, as there would have been opposition from her parents and family members.

5. Learned APP submitted that the petitioner has cheated the informant by making false promise of marriage and had also made physical relationship.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the SDJM, Siwan in connection with Siwan Mahila P.S.Case No. 26 of 2018, subject to the conditions as laid down under Section 438(2) of the Code



of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J)

sujiit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

