

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4522 of 2018

Arising Out of PS.Case No. -249 Year- 2017 Thana -GAYA KOTWALI District- GAYA

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Md. Suddan @ suddan @ Faiyaj S/o Md. Kalam, R/o Mohalla- Eqbal
Nagar, P.S.- Kotwali, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahtab Alam

For the Opposite Party/s : Mr. Sri Uday Pratap Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 20-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
08.09.2017 in connection with Kotwali P.S. Case No. 249 of 2017
for offences punishable under Sections 376, 504 and 506 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that she used to work in the house of the petitioner's father and the
petitioner on the pretext of marriage had sexual relations with her
since last two years and later on refused to marry.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and no



such occurrence had taken place. He submits that the informant victim is a major of 18 years of age as stated by her in the F.I.R. and that it has been held that consensual sex between the parties does not amount to any offence committed by the petitioner. He has relied on this proposition in the case of **Tilak Raj Vs. State of Himachal Pradesh since reported in A.I.R. 2016 S.C. 406.**

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged 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 Judicial Magistrate-1st, Gaya in connection with Kotwali P.S. Case No. 249 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the



learned court below during trial as
and when required and failure to
appear on two consecutive dates
without assigning any reason will
entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

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