

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.73757 of 2018**

Arising Out of PS. Case No.-24 Year-2018 Thana- PARIHAR District- Sitamarhi

Md. Saddam

... .. Petitioner/s

Versus

State Of Bihar & Anr

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Sri Mukesh Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

2      13-12-2018

Heard both sides.

The petitioner seeks bail in Parihar P.S. case No. 24 of 2018 registered under Section 341, 323, 379, 376, 120(B), 109 and 504 of the Indian Penal Code.

The informant filed complaint case No. 1991 of 2017 on the basis of which the present FIR was lodged. The informant alleged that in the month of December, 2016 while she was in the orchard, the petitioner followed her and forcibly committed rape with her on the pretext of marrying with her. She further alleged that petitioner continued to have sexual relation with her but when the informant asked the petitioner to marry, the petitioner refused to marry with the victim unless demand is fulfilled.

The learned counsel for the petitioner submits that



victim is a consenting party. Although, she disclosed her age to be 15 years but from perusal of the contents of the complaint petition it would appear that she was fully major and she filed the complaint petition only to put pressure to marry with petitioner although petitioner had no relation with the informant.

The learned APP however opposed the prayer for bail.

It appears from the contents of the complaint petition itself that complainant allowed the petitioner to have sexual relation with her on the pretext of marriage for many months and when the petitioner refused to marry the informant lodged this case.

Considering the facts aforesaid and nature of allegation made against the petitioner, the petitioner, above named, is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the lime amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sitamarhi in connection with Parihar P.S. case No. 24 of 2018.

**(Prabhat Kumar Jha, J)**

BKS/-

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