

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30365 of 2019**

Arising Out of PS. Case No.-63 Year-2019 Thana- BAHERA District- Darbhanga

Parween Jha Son of Sharwan Jha Resident of Village - Gheruk, P.S.- Bahera,  
Distt - Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sudish Kumar

For the Opposite Party/s : Mr.Brajendra Nath Pandey

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

4      20-08-2019                      Heard learned counsel for the petitioner and learned  
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with Bahera  
P.S. Case No.63 of 2019 for the offence punishable under Sections  
376, 504, 506 and 406 of the Indian Penal Code.

The allegation against the petitioner as per the FIR lodged  
by the informant is that informant was living in a rented house in  
village Nandapuri and she was working in private clinic in the  
village Jantipur. It has further been alleged that petitioner is  
ambulance driver in Sub-Divisional Hospital and informant has  
fallen in love with the petitioner for the last six years. It has further  
been alleged that petitioner had taken a sum of Rs. 85,000/- from the  
informant and when informant demanded her money back, the  
petitioner refused flatly to return the money taken by the petitioner.  
It has further been alleged that during the period both the parties



were in live-in relationship. It has further been alleged that petitioner thereafter solemnized marriage with another girl and refused to return the money to the informant and threaten to kill her.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel further submits that informant is a married lady and she has lodged the false case against the petitioner in order to extract money from him. Learned counsel submits that informant is living with her husband and allegation of live-in relationship between the informant and the petitioner is completely false and the petitioner has not taken any money from the informant at any point of time. Learned counsel further submits that petitioner is a contract driver in Sub- Divisional Hospital.

On the contrary, learned counsel appearing for the informant vehemently opposes the prayer for bail and submits that the petitioner lived with the informant for the last six years on the basis of the promise that he would marry the informant and further taking the informant in confidence, the petitioner had taken a sum of Rs.85,000/- which the informant had given to the petitioner after taking loan from other people and the bank. Learned counsel further submits that in the present matter, process under Section 82 and 83 has also been issued and in view of the Hon'ble Supreme Court



Judgment in the case of State of **Madhya Pradesh Vs. Pradeep (2014) (2) SCC 171** and **(2012) 8 SCC 730**, this anticipatory bail application is not maintainable.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the informant and State and taking into consideration the fact that police after investigation has not submitted any charge-sheet under Section 376 of IPC and from perusal of the FIR, it is evident that both the parties had love affairs and the allegation against the petitioner is not very serious for which custodial interrogation of the petitioner is required, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Darbhanga, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

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**(Anil Kumar Sinha, J)**

