

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63464 of 2019**

Arising Out of PS. Case No.-42 Year-2018 Thana- MAHILA P.S. District-
Kishanganj

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GULAB @ INTESAR Son of Ajad @ Ajad Alam Resident of Village-
Fatehpur, Police Station- Kochadhaman, District- Kishanganj.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sudhanshu Shekhar, Advocate.

For the Opposite Party: Mrs. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 21-10-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 376, 420/34 of the Indian Penal Code
registered in connection with Mahila P.S. Case No. 42 of 2018.

3. It is submitted that the petitioner has been falsely
implicated on the accusation that the informant, after finding that
her husband was of a different religion, started living with the
petitioner who however subsequently refused to marry her. It is
submitted that according to the averments in the F.I.R. the offence
under Section 376 IPC is not made out inasmuch as there is no
allegation whatsoever that the petitioner ever made a
compromise of marriage to the informant at the inception itself
prior to establishing physical relationship with her which he
subsequently resiled from. It is submitted that the relationship
was consensual in nature. There is inordinate delay more than
six months in institution of the F.I.R. on 19.07.2018 for the
alleged occurrence of 01.01.2018. The petitioner claims clean



antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner 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 Sub-Divisional Judicial Magistrate, Kishanganj in connection with Mahila P.S. Case No. 42 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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