

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58650 of 2019**

Arising Out of PS. Case No.-41 Year-2017 Thana- MAHILA P.S. District- Araria

MD. IMTIYAZ ALAM Son of Late Hasib Resident of Village- Masuria Tola,  
Khikhermani, Police Station- Jokihat, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Viveka Nandsingh

For the Opposite Party/s : Mr.Ashok Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

3      16-11-2019                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner seeks bail in a case registered under  
Sections 376, 313, 504/34 of the Indian Penal Code.

Allegation is that on the pretext of marriage the  
petitioner committed rape upon the victim.

It has been submitted on behalf of the petitioner that  
the petitioner is in custody since 29.06.2019 and has got no  
criminal antecedent. Charge sheet has been submitted in this  
case. There is no allegation of tampering of witnesses alleged  
against the petitioner. The petitioner has falsely been implicated  
in the present case. There is no medical examination report of  
the victim on record to support the allegations made in the F.I.R.  
As per F.I.R., on the pretext of marriage physical relationship



was established between the petitioner and the informant. It is a case of consensual sex. No offence of rape is made out. Counsel for the petitioner has placed reliance of a case of the Hon'ble Supreme Court since reported in 2019 SCC Online SC-3100 (Dr. Dhruvaram Murlidhar Sonar versus The State of Maharastra & Ors.).

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Araria in connection with Araria Mahila P.S. case No.41 of 2017.

**(Sudhir Singh, J)**

Narendra/-

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