

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68976 of 2018**

Arising Out of PS. Case No.-1464 Year-2017 Thana- PURNIA COMPLAINT CASE District-  
Purnia

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Sawan Ali @ Samau son of Rahman Ali, Resident of Village- Tamot, P.S.-  
Dagarua, District- Purnea.

... .. Petitioner

Versus

1. The State Of Bihar
2. Bibi Najma Khatoon, D/o Nijamuddin, Resident of Village- Tamot, P.S.-  
Dagarua, District- Purnea.

... .. Opposite Parties

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**Appearance :**

|                           |   |                                                                          |
|---------------------------|---|--------------------------------------------------------------------------|
| For the Petitioner        | : | Mr. Md. Abu Haider<br>Mr. Nadimul Hasan<br>Mr. Md. Abu Shagir, Advocates |
| For the State             | : | Mr. Rajendra Prasad Nat, APP                                             |
| For Opposite Party No.2 : |   | Mr. Arun,<br>Mr. Sanjay Kumar @ S.K. , Advocates                         |

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**  
**ORAL ORDER**

3      28-02-2019                      Heard learned counsel for the petitioner and learned APP  
for the State.

2. The petitioner apprehends his arrest for the offences  
alleged under Section 376 of the Indian Penal Code registered in  
connection with Complaint Case No. 1464 of 2017.

3. It is submitted that the petitioner has been falsely  
implicated on the accusation that after about five months of  
establishing physical relationship with the complainant, the petitioner  
refused to marry her. It is submitted that the petitioner himself is a  
married man aged about 45 years having seven children. It is further  
submitted that the complainant is a lady of about 40 years of age who  
had twice been married earlier. Informatory Petition no. 1830 of 2017  
had been filed by the petitioner on the same day as the present  
complaint, to the effect that the complainant had admitted before the  
*Panches* in the *Panchayati* that she was pregnant by one Nauman son



of Kalim. The petitioner claims clean antecedents.

4. Learned counsel for the complainant appears and submits that the petitioner enticed the complainant to establish physical relationship and on becoming pregnant, he wrenched upon his promise to marry her.

5. Be that as it may, and in view of the decision of the Supreme Court reported in 2016(4) SCC 140 (Tilak Raj vs State Of Himachal Pradesh), 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 Chief Judicial Magistrate, Purnea in connection with Complaint Case No. 1464 of 2017, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with 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 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.

BT/-

**(Vikash Jain, J)**

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