

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74825 of 2018

Arising Out of PS. Case No.-72 Year-2018 Thana- MAHILA P.S. District- Patna

SHAGEER AHMAD @ SAGHEER AHMAD Son of Aslam Ahmad,
Resident of Mohalla-Sabjibagh, Cristal Plaza, Opposite Birla Mandir, PS-
Pirbahore, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	M/s Arshad Alam &.Anjum Perveen
For the Opposite Party/s	:	Mr. Ram Bilash Roy Raman
for the informant	:	Mr. S. N. P. Sinha, Sr. advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 09-01-2019 Heard Mr. Arshad Alam, the learned counsel for the

petitioner, the learned APP and Mr. S.N.P. Sinha, the learned

counsel for the informant.

The petitioner apprehends his arrest in Mahila P.S.
case No. 72 of 2018 registered under Section 376, 313 of the
Indian Penal Code and under Section 3/4 of Dowry Prohibition
Act.

The informant alleged that she had physical relation
with the petitioner from 2008. The petitioner always assured her
to marry and on such established physical relation with her. The
petitioner took her to Manali along with his family members and
had physical relation. The family members of petitioner and
informant were ready for marriage. The petitioner also aborted



her twice but petitioner refused to marry with informant.

The learned counsel for the petitioner submits that on perusal of the contents of the FIR no offence under Section 376 of the IPC is made out. The informant was living in live-in relation with petitioner and if the petitioner refused to marry with informant no case under Section 376 of the IPC is made out. At best it is a case of breach of promise.

On the other hand, the learned senior counsel for the informant, vehemently opposed the prayer for anticipatory bail and submitted that petitioner physically exploited an innocent lady and he does not deserve anticipatory bail.

It appears that informant herself in her fard bayan disclosed that she was having physical relation with petitioner from the year 2008. She appears to be living in live-in relation with the petitioner and in the year 2018 the petitioner is said to have refused to marry with informant. On such, the informant lodged this case. The informant is a consenting party and major.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be



enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Priya Shekhar, learned Judicial Magistrate, 1st class, Patna in connection with Mahila P.S. Case No. 72 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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