

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70031 of 2019

Arising Out of PS. Case No.-126 Year-2018 Thana- COMPLAINT CASE District-
Kishanganj

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SADDAM HUSSAIN Son of Behbood Ali @ Behbood Alam Resident of
Village- Panchgachi, P.S.- Powakhali, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khushnuma D/o Alimuddin R/o KhokhoBasti, P.S.- Powakhali, District-
Kishanganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Diwakar Sinha
For the Opposite Party/s : Mr.Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered under
Section 376 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 12.07.2019 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. From bare perusal of the allegations, it is



evident that it was consensual sex established between the petitioner and the victim on the pretext of marriage. Hence, no offence under Section 376 of I.P.C. 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 Maharashtra & 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 C.J.M., Kishanganj in connection with Complaint case No.126 of 2018.

(Sudhir Singh, J)

Narendra/-

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