

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 2633 of 2020

Arising Out of PS. Case No.-255 Year-2019 Thana- BARSOI District- Katihar

ASAD, S/o Md. Kalwa, R/o village- Baskota Govindpur, P.S.- Barsoi,
District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Musowir

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-03-2020 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 376/323/504/506/120B of the
Indian Penal Code and 4 D.P. Act.

The prosecution case in brief is that the petitioner was
attend to the complainant's house in the meantime he developed
love affairs with the complainant and on promise of marriage the
petitioner started physical relationship with the complainant
thereafter, the petitioner went to Mumbai when the petitioner came
back his house after 3-4 months he took her his house on
28.03.2019 in the meantime, his family members assaulted her and
demanded Rs. 2 lac then marriage will be solemnized with the
petitioner.

Learned counsel for the petitioner submits that love affairs
between the petitioner and the victim girl since long. The



petitioner is innocent and he has been falsely implicated in this case. It further submits that due to love affairs and with the consent of the victim girl physical relationships made since long time, thereafter, u/s 376 of the I.P.C. is not made out against the petitioner. The complainant is aged about 18 to 19 years old which is reported by the medical board at (Annexure-2). The complainant did not disclose regarding this occurrence since long time. The complainant wanted to marriage with the petitioner and pressed him when the petitioner refused then the present case has been lodged against the petitioner and others. The petitioner is in custody since 26.10.2019 and has got no criminal antecedent.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Katihar, District-Katihar, in connection with Barsoi P.S. Case No. 255 of 2019.

(Anjani Kumar Sharan, J)

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