

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7195 of 2020

Arising Out of PS. Case No.-26 Year-2019 Thana- LODIPUR District- Bhagalpur

Md. Kaila @ Safique @ Md. Sapik @ Md. Safique, S/o Late Moso @ Md. Mosim, R/o village- Ustu, P.S.- Lodipur, District- Bhagalpur

7190

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Ranjan Kumar Jha, Advocate
For the S t a t e	:	Ms. Meena Singh, APP
For the Informant	:	Mr. Suresh Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-07-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State as well as Mr Suresh Prasad Singh, learned counsel representing the informant.

The petitioner is apprehending his arrest in connection with Lodipur P.S. Case No.26 of 2019 registered for the offence punishable under Sections 376, 323, 504/34 of the Indian Penal



Code.

The allegation is that the petitioner on the pretext of solemnizing marriage with the informant has been establishing physical relationship with her for the last one year. The informant has lodged the present case when finally the petitioner had taken her to his new house and thereafter he fled away and then she has been ousted after being assaulted by the family members of the instant petitioner.

Petitioner's Counsel submits that the F.I.R. is in two parts. In so far as the allegation of establishing physical relationship is concerned, from the F.I.R. itself it is apparent that the same is between the two consenting adults. The informant has not alleged assault or her ousting from the petitioner's house against the petitioner as this allegation is against his family members. The petitioner has got no criminal antecedents.

Mr. Surendra Prasad Singh, learned counsel for the informant submits that the F.I.R. clearly shows that there is an allurement and the same has also been supported in the re-statement of the informant as well as in her deposition under Section 164 Cr.P.C.

Learned APP has also adopted the submissions advanced by Mr. Singh, learned counsel for the informant.



Considering the rival submissions, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur, in connection with Lodipur P.S. Case No.26 of 2019, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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