

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16377 of 2020**

Arising Out of PS. Case No.-336 Year-2019 Thana- SARAIYA District- Muzaffarpur

MD. JAYAUDDIN ANSARI @ MD. JIYAUDDIN S/o Md. Allauddin Ansari
R/o village- Gorigama Dih, P.S.- Saraiya, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 03-06-2020 Heard both sides.

The matter has been taken up through video conferencing.

The petitioner seeks bail in Saraiya P.S. case No. 336 of 2019 registered under Section 114, 149, 376, 376 (A) (i) (ii)/ 493 of the Indian Penal Code.

The informant filed complaint case No. 666/2019 alleging therein that on 18.05.2017 at about 12 in the night accused No.3, Shamma Khatoon, came to her house and took her in her house where the petitioner was present. The accused persons talked for the marriage of informant and on such the petitioner is alleged to have committed rape with the complainant/ informant. She further alleged that till February, 2018 the petitioner continued to have committed rape with her but did not



marry the complainant.

The learned counsel for the petitioner submits that the last occurrence took place in February, 2018 but the complaint petition was filed at a very belated stage on the basis of which the present FIR was lodged on 01.06.2019. From perusal of the complaint petition itself, it would appear that victim was a consenting party. It is further submitted that petitioner never committed rape with the victim. The victim was pressurizing the petitioner to get married with her but when the petitioner refused to marry the victim filed the present case.

The learned APP, however, opposed the prayer for bail.

Perused the records. It appears that the victim went to the house of accused No.3 in the night at 12 and after some negotiation with regard to marriage the petitioner is alleged to have committed rape with the victim but even thereafter according to version of the victim the petitioner continued to have physical relation with her but the victim did not raise any objection nor complained about the physical relation with the petitioner. This fact itself shows that victim was a consenting party.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the petitioner, above



named is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, West, Muzaffarpur in connection with Saraiya P.S. case No. 336/ 2019.

(Prabhat Kumar Jha, J)

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