

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28167 of 2020

Arising Out of PS. Case No.-47 Year-2018 Thana- MAHILA P.S. District- Araria

MD. SHAHNAWAZ HUSSAIN @ MD. SHAHNAWAZ Son of Md. Shafi @
Md. Safiq Resident of Village- Domariya, Ward No.-02, Police Station-
Raniganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Sanjana
For the Opposite Party/s : Smt. Asha Kumari

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-11-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the
offence under Sections 376/34 of I.P.C.

Prosecution case, in short, is that the petitioner on the
pretext of marriage committed rape upon the victim.

It has been submitted on behalf of the petitioner that



the petitioner is in custody since 25.02.2020 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 this case. On the pretext of marriage physical relationship was established between the petitioner and the victim. Counsel for the petitioner submits that from perusal of the F.I.R. itself, it is a case of consensual sex. He 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 Maharastra & 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 Chief Judicial Magistrate, Araria in connection with Araria (Mahila) P.S. case No.47 of 2018.

Narendra/-

(Sudhir Singh, J)

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