

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33117 of 2020

Arising Out of PS. Case No.-39 Year-2020 Thana- MAHILA P.S. District- Araria

MD. ANJAR @ ANJAR Son of Md. Hashim @ Baichan Resident of Village-
Kumhiya, Police Station- Palasi, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana

For the Opposite Party/s : Mr.Ajay Kumar Jha (APP)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 16-12-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for grant of regular bail arises out of
Araria (Mahila) P.S. Case No. 39 of 2020, G.R. No. 1667 of
2020, registered for the offence punishable under Sections 376,
354A, 342, 313/34 of the Indian Penal Code.

It is the prosecution's case that on an assurance to
marry, co-accused Akbar had established physical relationship
with the informant. In the pretext of taking the informant to a
Moulvi for marriage in a motorcycle, the informant was brought
to a secluded placed and was locked in a room. She was
carrying pregnancy which, it is alleged, was got aborted there,
with the aid of a lady doctor. In the F.I.R., it is alleged that the
petitioner was also present at the place, where the abortion was



carried out.

Learned counsel appearing on behalf of the petitioner has submitted that it is the informant case itself that she had physical relationship with the co-accused. Despite repeated notices, she has not got her statement recorded under Section 164 of the Cr.P.C., he contends. The petitioner is in custody since 21.05.2020. It has been argued on behalf of the petitioner that the allegation in the F.I.R., does not constitute any offence punishable under Sections 376 or 354A of the Indian Penal Code.

On perusal of the F.I.R., I find substance in submissions made on behalf of the petitioner, to the aforesaid effect. This application is accordingly allowed.

Let the petitioner, above named, 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 Sub Divisional Judicial Magistrate, Araria in Araria (Mahila) P.S. Case No. 39 of 2020, G.R. No. 1667 of 2020.

(Chakradhari Sharan Singh, J)

AKASH/-

U		T	
---	--	---	--

