

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21447 of 2021

Arising Out of PS. Case No.-138 Year-2020 Thana- CHANDAN District- Banka

IQBAL ALI @ IQUBAL ALI @ TINKU, aged about 29 years, Gender-Male,
Son of Akbar Ali Resident of Village- Chandan, P.S.- Chandan, District-
Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Shailendra Kumar Singh, Advocate.
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-07-2021 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
A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in a case for
the offence registered under Section 376 of the I.P.C.

The prosecution story, in brief, is that the informant
used to talk with this petitioner while going and coming from
the school and these talks converted into love with this
petitioner. It is further stated that the petitioner then after giving
assurance of marrying with the informant, made physical
relation with her without her consent and threatened her with



dire-consequences if she spoke this thing to others and later on the petitioner flatly refused to marry with her.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. As per allegation, on the pretext of marriage, physical relationship was established between the petitioner and the victim. It has further been submitted that on the pretext of marriage, consensual physical relationship was established between the petitioner and the victim. Hence, for the said reason, no offence under Section 376 of the IPC is made out. The petitioner has further relied upon the judgment delivered by Hon'ble Supreme Court in case of (Dr. Dhruvaram Murlidhar Sorav-Versus-The State of Maharashtra and Ors) reported in 2019 SCC OnLine SC 3100 and also in case of (Maheshwar Tigga Vs. The State of Jharkhand) reported in 2020 SCC OnLine SC 779.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or



surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned C.J.M., Banka, in connection with Chandan P.S. Case No. 138/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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