

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24474 of 2021

Arising Out of PS. Case No.-68 Year-2020 Thana- MAHILA P.S. District- Muzaffarpur

Md. Arman S/O Md. Azhar R/O Village-Benibad, P.S-Gaighat, District-Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-11-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with Mahila P.S. Case No. 68 of 2020 instituted for the offences under Sections 366 and 376 of the Indian Penal Code.

Learned counsel for the petitioner, at the outset, submits that the petitioner is in custody since 15.12.2020 charge-sheet has been submitted and he is a person with clean antecedent. The learned counsel further submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that informant alleges that this petitioner was establishing physical relationship with her for the last one year on the pretext of marriage and whenever she asked the petitioner to marry her, he used to refuse but continued to establish



physical relationship. The learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that both petitioner and the informant are major and are capable of understanding the consequences of their action.

The learned counsel further submits that the petitioner and the informant were known to each other and physical relationship between them was consensual. He further submits that it does not stand to reason that the informant would have allowed the petitioner to continue with the physical relationship for such a long period if he was refusing to marry her. The learned counsel for the petitioner further submits that in her statement under Section 164 Cr.P.C., as recorded in paragraph '13' of the petition, the informant stated that panchayat was convened in the village and the date of marriage was fixed but the petitioner later refused. Hence, it is submitted that from the allegation as alleged and statement recorded under Section 164 Cr.P.C, it is amply clear that both the petitioner and the informant were indulging in relationship knowing the consequences of their action and the relationship was consensual.

Learned A.P.P. for the State vehemently opposes the



prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 15.12.2020, charge-sheet has been submitted in the case and the petitioner is a person with clean antecedent, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Muzaffarpur in connection with Mahila P.S. Case No. 68 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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